

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW MEXICO  
3 UNITED STATES OF AMERICA,  
4 Plaintiff,  
5 vs. NO: CR-15-4268 JB  
6 ANGEL DELEON, et al.,  
7 Defendants.

8  
9 Transcript of excerpt of testimony of  
10 JULIAN ROMERO  
11 April 17, 2018, and April 18, 2018  
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SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com

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 FAX (505) 843-9492  
 1-800-669-9492  
 e-mail: info@litsupport.com

1 April 17, 2018

2 THE COURT: All right. Does the  
3 Government have its next witness or evidence? Mr.  
4 Beck?

5 MS. ARMIJO: If we may just have a moment,  
6 Your Honor?

7 THE COURT: You may.

8 MR. BECK: Your Honor, the United States  
9 calls Julian Romero.

10 THE COURT: Mr. Romero, if you'll come up  
11 and stand next to the witness box on my right, your  
12 left, Ms. Bevel, my courtroom deputy, will swear you  
13 in.

14 JULIAN ROMERO,  
15 after having been first duly sworn under oath,  
16 was questioned, and testified as follows:

17 THE CLERK: Please be seated, and please  
18 state your name for the record.

19 THE WITNESS: Julian Romero.

20 THE COURT: Mr. Romero. Mr. Beck.

21 DIRECT EXAMINATION

22 BY MR. BECK:

23 Q. Good afternoon, Mr. Romero.

24 A. Good afternoon.

25 Q. Are you a member of the Sindicato of SNM,

1 or SNM Prison Gang?

2 A. Yes, I am.

3 Q. How long have you been member of the SNM?

4 A. Since 1982.

5 Q. When was the first time you went to  
6 prison?

7 A. '77. I was 18 years old.

8 Q. And where were you on February 2, 1980?

9 A. February 2, 1980, I was in the day room in  
10 F-1. There was -- that's when the riot came down,  
11 the prison riot, the pretty gruesome riot.

12 Q. Is that the prison riot in the  
13 Penitentiary of New Mexico in Santa Fe?

14 A. Yes.

15 MR. BECK: May we have Exhibit Number 826,  
16 please.

17 Q. Mr. Romero, I'm showing you Government's  
18 Exhibit 826. Do you recognize this as the  
19 Penitentiary of New Mexico?

20 A. Yes, I do.

21 Q. I'm circling on the screen what's labeled  
22 the Old Main facility. Is that the facility you  
23 were incarcerated in, in 1980?

24 A. Yes. I was in dormitory F-1.

25 Q. Where is that, approximately, in relation

1 to the main building?

2 A. It's like on the south side of the  
3 penitentiary, the dormitory side.

4 Q. And when you say "the south side, the  
5 dormitory side," are you referring to these  
6 dormitories here?

7 A. Yes. The penitentiary runs from north to  
8 south. South to north. And the south cell blocks  
9 are on the north side, and the dormitories are on  
10 the south side. And I was in F-1, which is the  
11 south side of the penitentiary.

12 Q. How long did the prison riot last?

13 A. It lasted approximately three days in the  
14 penitentiary. The guards were all hostages, so all  
15 the inmates were running around, amuck, you know. I  
16 was in the day room because my birthday is February  
17 3rd, and me and a couple of friends, Arturo and I  
18 were in the day room. So my friends made a party.

19 Q. Sorry. You were saying that you and a  
20 couple of friend were in the day room on February  
21 3rd?

22 A. Yes. We were kicking back, and I was like  
23 having the best celebration of my birthday I could  
24 have. It was my 21st birthday. And around midnight  
25 I see a bunch of guards rolling down the corridor in

1 their underwear, and a bunch of inmates with blue  
2 handkerchiefs, red handkerchiefs, beanies, and  
3 pipes, and all kinds of shanks and whatever. And  
4 they were behind them kicking them down the  
5 corridor, taking them to cell block 6 to be  
6 hostages, a captain, lieutenant, a sergeant and all  
7 these guards. And --

8 Q. And let me ask you, Mr. Romero. I think  
9 you said, but how long did this prison riot last in  
10 1980?

11 A. It lasted approximately three days in the  
12 penitentiary and seven days in the yard.

13 Q. And what happened after the prison riot?  
14 Where did you go?

15 A. I went to La Tuna. They sent the younger  
16 generation to La Tuna.

17 Q. What do you mean by "the younger  
18 generation"?

19 A. Well, like 21-year-olds, 25-year-olds, the  
20 guys that didn't have that much time in the  
21 penitentiary. The older guys, they sent them to  
22 like California, Leavenworth, and places like that,  
23 you know.

24 Q. And how long were you at La Tuna?

25 A. About four months, four and a half months.

1 Q. What happened after that?

2 A. They transferred me back to F-1 in the  
3 penitentiary in Santa Fe, New Mexico.

4 Q. Were you released from -- and let me ask  
5 you this. Was the SNM in existence at the time of  
6 the prison riot?

7 A. Excuse me? Say that again.

8 Q. Was the SNM -- did it exist at the time of  
9 the prison riot?

10 A. No, it did not exist.

11 Q. Did it come to be formed after the prison  
12 riot?

13 A. After the prison riot.

14 Q. Were you released from the Penitentiary of  
15 New Mexico, Main facility, around August of 1982?

16 A. Yes, I was. I paroled.

17 MR. SINDEL: I'm sorry? I didn't hear. I  
18 got it.

19 THE COURT: You got it? Okay. Are you  
20 able to hear him? I kind of moved him back a little  
21 bit.

22 MR. SINDEL: I just couldn't hear  
23 Mr. Beck.

24 BY MR. BECK:

25 Q. Were you then sent to -- were you

1 incarcerated, then, in October of 1982?

2 A. Yes. I lasted 60 days in the streets, and  
3 I picked up an assault charge, and I went back to  
4 county jail; the old county jail, not MDC in  
5 Albuquerque.

6 Q. So that's the old county jail in  
7 Albuquerque?

8 A. Yes.

9 Q. And skipping a little bit ahead, based on  
10 what happened at the old county jail and  
11 conversations that you had at the old county jail in  
12 this time period of 1982, did you then go to the  
13 Penitentiary of New Mexico and help form the  
14 Syndicate of New Mexico?

15 A. While I was there at the county jail, I  
16 met Juan Baca. He was fighting a murder case.

17 Q. And before you go there, I just want to  
18 make sure that based on your conversations with  
19 Mr. Juan Baca in Albuquerque, things that he told  
20 you, things that you discussed, did you then go to  
21 the Penitentiary of New Mexico and start the  
22 Syndicate of New Mexico?

23 A. Yes. I was instructed to start the SNM.

24 Q. Okay. And what happened in the old county  
25 jail in Albuquerque with Juan Baca?



1           A.     Well, I was there, kicking back, and one  
2 day this guy just calls me up to his cell. He sent  
3 somebody down to get me. He came from a visit. He  
4 had a couple of balloons of heroin. He called me up  
5 to his cell. He asked me if I was from Barelás, my  
6 barrio. And I said, "Yeah."

7                     And he said, "Well, I'm from the old  
8 Barelás." He goes, "Check this out, man. You were  
9 in the riot, no?" And I go, "Yeah."

10                    He goes, "Well, I've been checking you  
11 out, and you look like an easygoing guy. You get  
12 along with all the guys around here."

13           Q.     After he said that you're an easygoing guy  
14 and get along with all the other guys, what did he  
15 say?

16           A.     He said, "I got transferred to California,  
17 and I was going to get hit because they said that I  
18 was a Norteno sympathizer, but I told" -- he said it  
19 was the Mexican Mafia, but that's what he said. And  
20 he said, "I told them if you give us your blessing,  
21 I'll go back and I'll get rid of the Nuestra  
22 Familia. I'll form a gang. Just give me the  
23 blessing, and I'll do it."

24                    So he came back, and that's what he told  
25 me. You know, he ran it down to me. He gave me the

1 instructions on how to form the gang.

2 Q. Sure. Let me take you back, because you  
3 said a couple of things there. When Mr. Baca was  
4 sent to California, I think you said the "Norteno".  
5 What is that?

6 A. That's a northern California. They're a  
7 rival gang to the Mexican Mafia.

8 Q. And is the Mexican Mafia, is that also  
9 known as the Eme?

10 A. It's also known as Eme.

11 Q. And Mr. Baca told you that he went to the  
12 Mexican Mafia, or the Eme, and asked for permission  
13 to start a new gang in New Mexico if he took out the  
14 Nuestra Familia. Do I have that right?

15 A. Yes, you do.

16 Q. What is the Nuestra Familia, or what was  
17 it at the time?

18 A. Well, there was this guy named Richard  
19 Valdez. And this happened before I arrived there.  
20 I arrived there 'in 77. And in about '74, '75, Juan  
21 Baca, Angel Munoz, and there's a few other guys and  
22 I can't remember their names, but they did away with  
23 Richard Valdez's gang. He was from northern  
24 California, and he started the Nuestra Familia there  
25 in Santa Fe.

1 And they went into cell block 6, where  
2 most of them were, and they started, you know,  
3 shanking them and getting rid of as many as they  
4 could. They jumped off the tier. They paralyzed  
5 the leader. And he got this one guy named Steve  
6 Baca, Pollo, and he put him in a cell, and he said,  
7 "Stay in there. I know your dad, and I don't want  
8 anything to happen to you." So he gave him a pass.  
9 And he was a --

10 Q. Let me stop you there because I think  
11 we're getting just a little bit ahead of ourselves.  
12 Was the Nuestra Familia a prison gang that may have  
13 had a presence in California, but also had a  
14 presence in New Mexico prisons at the time?

15 A. Well, no. They were a northern state;  
16 we're a southern state. And we were mostly  
17 associated with Surenos and stuff like that. We  
18 were like a blue state. They're a red state.

19 Q. Okay. So what was the Nuestra Familia  
20 that Mr. Baca was supposed to get rid of in New  
21 Mexico?

22 A. They called them Familiaros and they had a  
23 hat, a Mexican hat with two daggers through it, and  
24 it was NF, Nuestra Familia.

25 Q. So at the beginning, was that a rival gang

1 to what you would help form as the Syndicate of New  
2 Mexico?

3 A. Well, they were all running scared. They  
4 weren't even a rival gang. I was instructed to go  
5 up there and get a few guys together and start this  
6 gang, and get rid of all the stragglers, you know.

7 Q. Okay. So Mr. Baca's instructions to you  
8 in starting the Syndicate of New Mexico was to go  
9 out and take care of the remaining Nuestra Familia  
10 members?

11 A. Right.

12 Q. And what else did he tell you to do when  
13 you're going out to the penitentiary? Let me take  
14 this back for a second. Did you and he know that  
15 you were going to the Penitentiary of New Mexico  
16 soon?

17 A. Oh, yeah. We talked. You know, when  
18 you're on heroin, you're talking, you know, and  
19 everything. You're just feeling good, and you're  
20 talking. And, yeah, he knew exactly how much time I  
21 got. I was going back with eight years.

22 Q. And why didn't Mr. Baca, himself, go and  
23 start the Syndicate of New Mexico?

24 A. Because he was fighting a murder charge,  
25 and he knew he was going to cell block 3, which was

1 the lockup at the time. And he was going to be  
2 locked up, and he knew that he wasn't going to be in  
3 general population to form this gang because you  
4 can't do anything in lockup, you know.

5 Q. So you were going up to PNM and going to  
6 be in general population, where you could talk to  
7 other inmates?

8 A. And he instructed me on a few names to get  
9 together and to form this gang, to get its agenda  
10 going, you know.

11 Q. And who did Mr. Baca tell you to get with  
12 when you got up to the PNM facility?

13 A. He named a few people. He named Tomas  
14 Campos, Henry Clark, Tomas Clark, Hendrick Duran.  
15 And he said to get together with these people and  
16 then start recruiting people. He gave me the bylaws  
17 and how to recruit people, and to start the sign  
18 that I eventually formed, you know, the Zia symbol  
19 with the SNM in it.

20 Q. All right. And I will come back to that  
21 in one moment. So I think you mentioned a couple of  
22 names there. You said Tomas Clark? Is that one of  
23 them?

24 A. Yes.

25 Q. Ramon Clark?

1 A. Yes.

2 Q. Kendrick Duran?

3 A. Kendrick Duran.

4 Q. Henry Clark?

5 A. Yes.

6 Q. Did he also tell you to get together with  
7 Animal or Felix Steve Martinez?

8 A. Yes. He was another Nuestra Familia. But  
9 he was using them because they had been there since,  
10 you know, for a while. And he knew his agenda. He  
11 burned my mind. To this day, I still don't know how  
12 he did it. I finally found out how he did it. But  
13 he used me, and I did it. I did his bidding. I did  
14 the devil's bidding. And he told me to get together  
15 with Steve Baca, too.

16 Q. And I think you said you later found this  
17 out, but you're saying Felix D. Martinez and Steve  
18 Baca were Nuestra Familia members. Did you know  
19 that at the time that Juan Baca sent you up?

20 A. No. He never told me they were Nuestra  
21 Familia. He just said they had a lot of influence.  
22 And he said, "This is going to take a lot of  
23 violence. We're going to have to get rid of the  
24 Nuestra Familia Gang, the stragglers, and we'll get  
25 the blessing to start SNM."

1           And to this day, there is still SNM  
2 members that don't even know the history of the SNM,  
3 you know.

4           Q.    So when Mr. Baca was talking to you in  
5 Albuquerque in the county jail, he told you to go  
6 up -- if I understand this right, he told you to go  
7 up to PNM, start the Syndicate of New Mexico, and he  
8 said, "It's going to take some violence"?

9           A.    He said, "It's going to take some  
10 violence, and after the violence nobody is going to  
11 want to mess with us. And then we can start  
12 programs and get our thing together, and we'll have  
13 the run of the penitentiary, and things will get  
14 better for us."

15                   But it didn't get better. It got worse,  
16 you know.

17           Q.    And let me ask you, I think you talked  
18 about a sign for the gang. Did you create or come  
19 up with a sign for the Syndicate of New Mexico, or  
20 SNM?

21           A.    I helped design it. He said, "We need the  
22 Zia symbol. That's mainly the most important thing,  
23 the Syndicate of New Mexico." So SNM, and I put the  
24 "S" on the circle, the Zia symbol. I don't know if  
25 anybody is familiar with the Zia symbol.

1 Q. Let me ask you, Mr. Romero, if I gave you  
2 a marker, would you feel comfortable drawing what  
3 you came up with on the sheet next to you? Or are  
4 you a little nervous?

5 A. No, I'm not nervous. It's just --

6 Q. If you say no, I'm not going to make you  
7 do it.

8 A. No, I'll do it. Where's the --

9 Q. Sure. Do you want to step down here?

10 A. The symbol right there, the rays come up.  
11 The "S" started right there. "N." "M." And he  
12 said, "It's up to the people, the members."

13 Q. Hold on one second. What did Mr. Baca  
14 tell you about that symbol that you created?

15 A. He said that it's up to the people that  
16 have joined the SNM, if they want to put the "SNM"  
17 in the sign. They don't have to if they don't want  
18 to. Because at this point we were trying to form  
19 secretly, you know, without anybody knowing we  
20 wanted to hit pretty hard and get these stragglers  
21 before they knew what hit them. And he mentioned a  
22 few names that he wanted hit.

23 Q. Okay. We'll come to that in one second.  
24 So even though you created this symbol, did you ever  
25 get this tattoo?



1           A.     No. I put a "Nuevo Mexico" on me, New  
2 Mexico. I've got it right here. But I never put  
3 the whole syndicate and all that on there. I tried  
4 to be a sleeper for as long as I could.

5           Q.     What do you mean by "a sleeper"?

6           A.     Nobody knew that I was a member until they  
7 were hit or until I got my -- until I carried out  
8 what I had to do. They eventually found out. I  
9 didn't become a sleeper too long, because I was more  
10 or less on the front lines. I was the one that was  
11 always out to hit somebody, you know.

12          Q.     Okay. I think you also said that Juan  
13 Baca, when he was sending you up to PNM, ran down  
14 the bylaws to you?

15          A.     Yes.

16          Q.     What were some of those rules?

17          A.     Okay. What he said was, it takes three  
18 SNM members to bring in one SNM member. That one  
19 SNM member that they're trying to bring in to  
20 recruit, you have to be a stand-up guy. He couldn't  
21 be an informant. He couldn't be a weak link. We're  
22 only as strong as the weakest link, you know. And  
23 if that guy messed up, it was up to one of the three  
24 people that recruited him to take him out.

25          Q.     And so not a weak guy, you're only as

1 strong as your weakest link. Did he tell you that  
2 to recruit, I guess, my language, sort of the  
3 strongest guys or the cream of the crop in prison?

4 A. The cream of the crop, the strongest guys.  
5 And that's exactly what I tried to do, and everybody  
6 else that I met with in the yard.

7 Q. And at the time that you formed the SNM  
8 when you got to the North, did you form it with  
9 those that you named: Animal; Felix D. Martinez;  
10 Pollo; Steve Baca; Tomas Campos; Tomas Clark; Henry  
11 Clark; Ramon Clark; Rudy Munoz; and Kendrick Duran?

12 A. Eventually Rudy Munoz was in there.  
13 Because Angel was in lockup. I hadn't met Angel  
14 yet. But Juan Baca told me about Angel, that he was  
15 a pretty stand-up guy and that he would be  
16 recruiting because he was also in lockup cell block  
17 3.

18 Q. That was another one of my questions.  
19 When you formed this gang, there was Juan Baca.  
20 Were there any other members that you didn't  
21 recruit, but who were in the gang around the same  
22 time it formed?

23 A. Yeah, of course. Everybody started --  
24 everybody knew different people, you know, and as  
25 soon as I hit the first Nuestra Familia right there

1 in F-1, people knew that the SNM was there to stay,  
2 you know.

3 Q. Okay. Let me ask you about that. I think  
4 you're getting ahead of me. But when you formed the  
5 SNM Gang -- have you ever heard the term "earn your  
6 bones" or "Huesos"?

7 A. Yes, I've heard that term.

8 Q. And what does that mean to you?

9 A. To "earn your bones" means that one day  
10 it's going to come to you to take care of something.  
11 And let's say somebody messed with or messed around  
12 with the SNM, or snitched on somebody in the SNM,  
13 and say he lived in cell block 6. And we have SNM  
14 members, sleepers, or whatever. Why send somebody  
15 from F-1 to go into cell block 6 and take care of  
16 this guy, stab him, maim him, whatever it takes,  
17 kill him? If we've got somebody in cell block 6,  
18 let somebody there do it. That way, he's got more  
19 of a chance to get away with it.

20 Q. So do you mean that it's up to the SNM,  
21 anyone in the SNM, to go through and do SNM work?

22 A. If they mess with an SNM member, yeah, he  
23 would bring it to you, to go to the SNM Gang and  
24 make sure that they knew what was going on, and they  
25 would handle it some way.

1 Q. I'm going to show you a couple of pictures  
2 and see if you can point out who is in them for me.

3 MR. BECK: Your Honor, the United States  
4 will move to admit, I believe without objection,  
5 Exhibit 783; Exhibit 784-A which is Bates No. 16966  
6 from Exhibit 784; and then Exhibit 786.

7 THE COURT: All right. Any objection from  
8 the defendants? Not hearing or seeing any,  
9 Government's Exhibit 783, 784-A and 786 will be  
10 admitted into evidence.

11 (Government's Exhibits 783, 784A, and 786  
12 admitted.)

13 BY MR. BECK:

14 Q. If you'll bring up Exhibit 783, Bates No.  
15 48398, please. Mr. Romero, do you recognize this  
16 picture?

17 A. Yes. Yes, I do.

18 Q. What is that a picture of?

19 A. That's a picture of me.

20 Q. And is this a picture of you in 1980,  
21 right around the time you would have been in the  
22 Main facility for the prison riot?

23 A. Yes, it is.

24 Q. And if we could go to Bates No. 48405, the  
25 one before that. Is this also a picture of you?

1 A. Yes.

2 Q. Is this also a picture of you?

3 A. Yes, that's me.

4 Q. Do you want to try 786? That might be a  
5 little easier. What's depicted in this photo,  
6 Mr. Romero?

7 A. That's me in Oregon when I got shipped out  
8 of state.

9 Q. And approximately when was this?

10 A. 1996; December of 1996.

11 Q. And you're a good-looking man now with  
12 your long hair, but which one of these gentlemen is  
13 you, just for everyone here, in your younger days?

14 A. The one kneeling down in the front.

15 Q. So the gentleman in the front, that's a  
16 picture of you?

17 A. Yes.

18 Q. And then if we can do 784-A. Are these  
19 four photos you?

20 A. Yes, four photos of me.

21 Q. And the date on this is 1999. Does that  
22 look about 1999?

23 A. Yes.

24 Q. And are these your tattoos?

25 A. Yes. Like I told you, I have "Nuevo

1 Mexico" on my chest.

2 Q. I just circled that. Is that where it  
3 says "Nuevo Mexico"?

4 A. Right there.

5 Q. Thank you. Mr. Romero, what's the purpose  
6 of the SNM prison gang?

7 A. What's the purpose of it?

8 MR. SINDEL: Your Honor, I'm going to  
9 object. Narrow it down to a particular period of  
10 time. I don't know how he can say what the purpose  
11 was back 30, 40 years ago, in comparison to what it  
12 may be now.

13 THE COURT: Why don't you take it by  
14 different periods of time? You may have more than  
15 one you want to question him about.

16 MR. BECK: Sure.

17 BY MR. BECK:

18 Q. What was the purpose of the SNM prison  
19 gang when you formed the prison gang?

20 A. To start a strong syndicate, you know, a  
21 gang for the prison that was associated with the  
22 Surenos, the Mexican Mafia, Southern State, and to  
23 further our agenda, you know, to run the  
24 penitentiary, to get our stuff together.

25 Q. And was the purpose of the prison gang at

1 that time to run the penitentiary through violence  
2 and drugs?

3 MR. COOPER: Objection; leading.

4 THE COURT: Sustained.

5 A. First of all, I don't think you can lead  
6 me.

7 THE COURT: Hold on.

8 MR. BECK: Sure.

9 THE COURT: He'll have to re-ask the  
10 question. I sustained the objection.

11 BY MR. BECK:

12 Q. What was the purpose of the SNM prison  
13 gang when you helped form it at the beginning?

14 A. Well, you know, drugs, and getting our  
15 agenda together was -- you know, we wanted to form a  
16 gang where we could get our thing together, you  
17 know. And the way Juan brought it down to me, it  
18 was to -- it was going to take violence at first,  
19 but he said, "After a while, nobody is going to want  
20 to mess with us, and things will get better for us."

21 MR. GRANBERG: Objection; narrative.

22 THE WITNESS: Excuse me?

23 THE COURT: Overruled. It's not too long  
24 yet. Overruled.

25

1 BY MR. BECK:

2 Q. Sorry. You were saying that when Mr. Baca  
3 ran it down to you, he said it was going to take  
4 violence. And then I think you were continuing from  
5 there.

6 A. Yeah.

7 Q. So what was the purpose when you helped  
8 form the gang in the beginning?

9 A. Just that, to get rid of, you know, the  
10 Nuestra Familia. That was why the blessing was  
11 given. We had to get rid of that gang right there.  
12 But in the process of getting rid of that gang,  
13 people understood that the SNM was there to stay and  
14 we were a gang to contend with, you know. Because  
15 in lock-up they were forming a prison gang, the Los  
16 Carnales. And they were calling us familias, and  
17 they were calling us Nuestra Familia sympathizers  
18 and stuff. Because they knew Juan Baca from before  
19 the riot and stuff.

20 Q. And do you remember writing at one point  
21 that the reason why the SNM began was for drugs,  
22 period?

23 A. That's the main thing. Drugs was  
24 always -- I mean, we were getting in guys because  
25 they could get clavos, you know, they could get in



1 the drug. We didn't care.

2 Sometimes we brought in guys that were  
3 rapists, and they said, "Why in the hell did you  
4 bring in that guy?"

5 "He brought in some drugs, man."

6 We were always into the drugs. SNM turned  
7 into a drug, you know, thing.

8 Q. And you said one thing there, and I just  
9 want to make sure that the jury is understanding it  
10 because they're a little bit newer to this than you  
11 and I maybe are. What is a clavo?

12 A. A clavo is a -- it's different amounts of  
13 drugs, you know. It's a clavo, so -- I don't know.  
14 It's an amount of drugs, I'll say.

15 Q. So you said the purpose of the SNM Gang  
16 when you formed it was to run the prisons. It would  
17 start through violence and drugs. Did that change,  
18 from the time that you helped form it in 1982, until  
19 present day?

20 A. It started changing, because everybody  
21 that was getting into the S was getting in for  
22 different reasons, but the main reason was for  
23 drugs. And, you know, by the time it started  
24 getting into drugs and everything, I had already  
25 took care of a couple of Nuestra Familia, and they

1 were all covering up their tattoos, and they weren't  
2 saying they were with the Nuestra Familia.

3 But drugs was our main objective after a  
4 while, you know.

5 Q. You talked about hitting a couple Nuestra  
6 Familia, and I want to talk to you about some of the  
7 crimes that you've done for the SNM.

8 A. Sure.

9 Q. In 1982, did you hit or assault a Nuestra  
10 Familia member?

11 A. In 1982, yeah. He was in F-1, and I  
12 assaulted a Gilbert Saavedra. They called him The  
13 Nose. He was in F-1. He moved into F-1. And he  
14 was saying stuff that Juan did do to Nuestra  
15 Familia, "I'm going to get up there and get the gang  
16 going again, and I'm going to take care of them  
17 vatos that did it."

18 So right as soon as he came up, Juan Baca  
19 sent me word. He sent me word. And he said The  
20 Nose, to take him out. You know, make him lock it  
21 up. He didn't say to kill him or nothing.

22 Q. Did Angel Munoz also play a part in  
23 calling that hit?

24 A. Yes, he did.

25 Q. And so this was 1982. Is that one of the

1 ways that you would say you earned your bones to  
2 become a full SNM member?

3 A. That's one of the ways I earned my bones,  
4 yes.

5 Q. In 1982, around the time we talked about  
6 you helping form the gang by getting together some  
7 specific members, we talked about Angel Munoz and  
8 Juan Baca. Do you know who Billy Garcia is, or Wild  
9 Bill?

10 A. Yeah, I know who Wild Bill is, Billy.

11 Q. Was he also part of the SNM Gang at this  
12 point in this time, in 1982, when the gang was  
13 formed?

14 A. I didn't bring in Billy, but Billy was  
15 always there with me. We were pretty close at that  
16 time. I didn't have to bring in Billy. Billy just  
17 was there with me. You know, we were good friends  
18 at the time, you know, carnals.

19 Q. So when you say you and Billy were  
20 carnals, was he also an SNM member around that time?

21 A. I'm pretty sure Billy has told you  
22 himself, yeah, he's an SNM member.

23 Q. In 1984, did you assault another Nuestra  
24 Familia member for the SNM?

25 A. Yes. They moved me to cell block 6. They

1 took me out of F-1. They didn't want me in  
2 dormitory anymore. They never told -- out of the 87  
3 guys that were in F-1 when I stabbed Gilbert  
4 Saavedra, The Nose, I tried to take him out. I told  
5 Henry Clark and Angel Carrillo, I told them, "Wake  
6 me up at 3:00 in the morning."

7 And I got a drumstick, a fiberglass  
8 drumstick, and I put a handkerchief on it that I  
9 used to play handball with. I wrapped it around the  
10 handle. It was about 13 inches long. And I wanted  
11 to take him out.

12 So when he was laying down on his bed and  
13 they woke me up at 3:00 in the morning, and I went  
14 over and I put a sock on my left hand. And I got  
15 the drumstick, and I put it close to his throat.  
16 Henry had a shank, Angel had a shank. And I put it  
17 by his Adam's apple, and I stuck it. But when I  
18 pulled it, it didn't go the way I wanted it going.  
19 I wanted it coming here. It come out through his  
20 brain. Well, it actually came out from the back of  
21 his ear.

22 And he jumped up, and he pulled me. And  
23 Angel and Henry didn't do their part. They said  
24 they did when they were investigating it, but they  
25 never did. They threw their shanks and took off

1 running. And I took a dive under the bunks, and I  
2 made to it my bunk.

3 And they investigated, and nobody in F-1  
4 told on me or nothing. And I knew then we had a  
5 pretty solid SNM.

6 Q. Why did you know that, because no one told  
7 on you? Why did you know you had a solid SNM?

8 A. We were getting in pretty good people.  
9 You know, we were getting solid people. And it was  
10 a different time; like when they objected a while  
11 ago.

12 The SNM has matured into a different  
13 animal. You know, it started off with a few people,  
14 and I liked it that way, you know, because there was  
15 regulation and stuff. And now it's a different  
16 animal. You know, there is so many people in it  
17 that I don't even know. They don't even know what  
18 I've done for the SNM or what I did for them. And  
19 they disrespect, and they --

20 MR. SINDEL: I object to the narrative  
21 form of the answer. And secondly, he's talking  
22 about people that he says he doesn't even know.

23 THE COURT: I think one will solve the  
24 other.

25 MR. BECK: I'll break it up.

1 THE COURT: Let's do more Q and A, and  
2 then we can kind of control it.

3 MR. SINDEL: Thank you, Your Honor.

4 BY MR. BECK:

5 Q. Now, this assault in 1984, who did you  
6 assault?

7 A. Steve Baca, one of the ones that Juan told  
8 me to bring in. He was the one that he saved when  
9 they hit all of the Nuestra Familia in cell block 6.  
10 He came out of cell block 3, and Felix moved into  
11 F-1. And they were supposed to hit him in F-1, but  
12 he went and turned in a syringe to the guard and  
13 told them to lock him up because he felt that he was  
14 going to get hit.

15 Q. And you stabbed him with a drumstick, I  
16 think you said. Were you trying to kill Mr. Baca?

17 A. No, no, I didn't stab Steve Baca with the  
18 drumstick. Steve Baca, I stabbed him with an ice  
19 pick, a steel one.

20 Q. I'm sorry. I got that wrong. So you  
21 stabbed Nose with the drumstick, and you stabbed  
22 Steve Baca with an ice pick?

23 A. Me and a good friend of mine, too, a  
24 carnal named Sam Guevara. He's deceased now. He's  
25 a solid person, you know.

1 Q. Let me ask you a question about that.  
2 When you say "ice pick," for the jury, are you  
3 talking about an actual ice pick, or is "ice pick" a  
4 way you describe a particular shank?

5 A. It's described as a particular shank.  
6 It's like a long pencil. It's sharp at the  
7 beginning. You could use it as an ice pack, too,  
8 you know. But we call it that because it's sharp  
9 and pointed. When you stick somebody, they bleed  
10 from the inside, you know. It's a pretty good,  
11 powerful weapon.

12 Q. Now, in 1986 -- well, let me ask you this:  
13 At some point did you become a leader or a  
14 high-ranking member of the SNM?

15 A. Yes, I did.

16 Q. And in 1986, were you a high-ranking  
17 member of the SNM, looked upon favorably by other  
18 SNM members?

19 A. In '86?

20 Q. Yes.

21 A. Yes.

22 Q. And did you have involvement with a hit of  
23 a Los Carnales member named Troca?

24 A. Troca?

25 Q. Yes.

1           A.     Can I go into a little narrative here, or  
2 are they going to object on me? He tried to stick  
3 Angel Munoz in cell block 3. I was there, and --

4           Q.     Okay. So after Troca tried to stick Angel  
5 Munoz in cell block 3 when you were there, what  
6 happened?

7           A.     I was out of cell block 3. Troca was an  
8 LC, Los Carnales. He came out, him and Henry Clark,  
9 in front of the canteen where we usually were when  
10 it was canteen, just get candy bars, whatever we  
11 could get. And Troca comes walking up, and he tells  
12 me, "Hey, Julian," and he comes up to me.

13                     And I looked at him, and I go: Oh, no.  
14 What is this guy doing out here? You know, he just  
15 tried to shank Angel Munoz. This guy must have some  
16 big cajones, you know.

17           Q.     Why did you think that Troca had big  
18 cajones, coming out to talk to you?

19           A.     He tried to stick Angel Munoz with a  
20 broomstick when he was going to the shower, and he  
21 missed him. So there was a hit on him  
22 automatically, you know.

23           Q.     That was my next question. What happens  
24 when someone tries to stab or injure an SNM member?

25           A.     You've got to retaliate, man. You've got



1 to go back there.

2 Q. Why do you have to retaliate if someone  
3 does that?

4 A. Then you'll be showing weakness, and these  
5 other people will do the same thing and get away  
6 with it. You can't have that.

7 Q. Earlier, when we talked about the rules of  
8 the SNM, is it another rule that if someone tries to  
9 stab or assault an SNM member, the SNM, as a whole,  
10 automatically has to retaliate?

11 A. As a whole, you mean, has to retaliate?

12 Q. The SNM has to retaliate if someone --

13 A. Well, yeah, if they can get to him to  
14 retaliate. They're considered brothers, you know.  
15 If you mess with my brother, you're going to get  
16 messed with. And if you don't do that, then  
17 everybody is going to try to mess with you. And we  
18 couldn't have that right there. That's showing --  
19 that's not --

20 Q. So when Troca came and talked to you after  
21 he tried to stab Angel Munoz, what happened?

22 A. He goes, "Is it all right if I talk to you  
23 in the yard?" I went, "Yeah. Yeah, I'll talk to  
24 you in the yard." And he goes, "Well, I'll see you  
25 tomorrow." So he walked off with Ostrich, this

1 other guy. And he took off to his cell block. He  
2 goes, "I'm going to be in cell block 2."

3 And at that time we had a killer, Estes,  
4 Mario Barros, Kendrick Duran, and Arturo Lueras in  
5 cell block 2.

6 So I went back to cell block 6, and Troca,  
7 they were already with the mattresses up and pulling  
8 out all the shanks and everything, you know. And I  
9 go, "Hey" --

10 Q. Who was "they," who were pulling out?

11 A. All of the SNM that were in cell block 6.  
12 Because I go, "What are you guys doing? We're not  
13 going to go to cell block 2 to take care of this.  
14 Why should we go to cell block 6 to take care of  
15 Troca, when we've got SNM members in there?

16 And he goes --

17 Q. So you told the SNM members not to go over  
18 to cell block 6?

19 A. Of course, because you're going to have to  
20 go into cell block 2; they're going to lock the  
21 door; and then he gets stabbed. They're going to  
22 tell you to go to a cell, and you don't belong in  
23 there. Come on. It's just common sense right  
24 there.

25 Q. What happened to Troca later that day?

1           A.     Arturo Lueras and Kendrick Duran -- well,  
2     Arturo got acquitted, but Kendrick Duran got some  
3     time for it. But they bashed in his head, and his  
4     brain came out. And they just tore his frame apart,  
5     man. He brought out a shank with him, too, you  
6     know, part of the fence.

7           Q.     And so Kendrick Duran and Arturo Lueras  
8     assaulted Troca that same night, is that right?

9           A.     That same evening. He came -- I was  
10    working in the kitchen, and everybody ran to the  
11    door, and we looked. And I just seen the stretcher  
12    coming by, and I could see some gray matter and  
13    blood coming out of the side of his head, you know.

14          Q.     And at that time, were Kendrick Duran and  
15    Arturo Lueras also SNM members?

16          A.     Yes.

17          Q.     Now, I want to go through a little bit of  
18    your history. We talked about getting locked up in  
19    1978. Was that for -- and that's when you went to  
20    the Main or the Old Main for the first time; is that  
21    right?

22          A.     In '78 or '77.

23          Q.     Okay.

24                 MR. BECK: Will you bring up 783, give it  
25    another try and see if it works any better for us.

1 Let's try Bates 48391.

2 MR. SHATTUCK: Your Honor, may we  
3 approach? I'm concerned about the relevance of all  
4 this.

5 THE COURT: You may.

6 (The following proceedings were held at  
7 the bench.)

8 THE COURT: Do you want to make your  
9 record as to the relevance?

10 MR. BECK: I was just thinking that they  
11 were going to impeach with his previous convictions.  
12 If they're not, I can move on.

13 MR. SHATTUCK: I mean, they're calling  
14 Kendrick Duran. I know his name was -- this stuff  
15 isn't going to make any sense.

16 THE COURT: If the defendants won't agree  
17 not impeach him --

18 MR. SHATTUCK: I'm not going to agree not  
19 to impeach him.

20 THE COURT: So I guess --

21 MR. SINDEL: I'd like to know his prior  
22 convictions. We're already there. We're done with  
23 that. He's done all his testimony, right?  
24 Basically.

25 MR. BECK: Basically, he's got a couple

1 more.

2 THE COURT: So it's just impeachment by  
3 the prosecution, and they've got a right to impeach  
4 the witness, like you do. And they probably want  
5 to, before you get ahold of him. Overruled.

6 (The following proceedings were held in  
7 open court.)

8 THE COURT: All right. Mr. Beck.

9 MR. BECK: If we could bring up Exhibit  
10 783, Bates No. 48391.

11 BY MR. BECK:

12 Q. Mr. Romero, do you recognize this as a  
13 judgment and sentence from 1987 for auto burglary?

14 A. For auto burglary? Yes, I do.

15 Q. And you were -- and this is your judgment  
16 and sentence? You were convicted of auto burglary  
17 in 1987, right?

18 A. Yes, I was.

19 Q. And you were sentenced to 18 months, to  
20 run concurrent with your remaining parole time; is  
21 that right?

22 A. Yes. In San Juan County, right?

23 Q. Yes.

24 A. Okay.

25 MR. BECK: Then if we could go to Bates

1 No. 48388.

2 Q. And is this another judgment, partially  
3 suspended sentence and commitment of yours?

4 A. 1992?

5 Q. Yes.

6 A. Yes, it is.

7 Q. And in 1991 or 1992, you pled guilty for  
8 commercial burglary; is that right?

9 A. Yes.

10 Q. And you were sentenced to five-and-a-half  
11 years, with a year and a half suspended, for a total  
12 term of four years in prison in 1992?

13 A. Yes.

14 MR. BECK: And then if we could go to  
15 Bates No. 48385, please.

16 Q. Is this another judgment, partially  
17 suspended sentence and commitment of yours from  
18 1995?

19 A. Yes, it is.

20 Q. And in 1995 were you convicted of, after a  
21 guilty plea, breaking and entering?

22 A. Yes, I was.

23 Q. And were you sentenced to nine-and-a-half  
24 years, with one-and-a-half years suspended, for  
25 eight years total?

1 A. Yes, I was.

2 MR. BECK: And if we could please go to  
3 Bates No. 48383.

4 MR. SINDEL: What was that last part,  
5 Mr. Beck?

6 MR. BECK: 48383.

7 Q. In 2000 was your probation revoked and you  
8 were sentenced to the remaining time on that  
9 nine-and-a-half-year sentence?

10 A. Yes.

11 Q. And so you'd already served  
12 eight-and-three-quarter years. Were you sentenced  
13 to 210 days in 2000?

14 A. Yes.

15 MR. BECK: And then if you could please go  
16 to Bates 48378.

17 Q. Is this judgment, sentence, and order  
18 partially suspending sentence of yours from 2004?

19 A. Yes, it is.

20 Q. And in 2004 were you sentenced to 18 years  
21 and five months, with eight years and five months  
22 suspended for a total sentence of ten years?

23 A. Yes.

24 Q. Was that for trafficking in heroin?

25 A. Yes.

1 MR. BECK: And then if we can please go to  
2 Bates 48373.

3 Q. Is this another judgment, sentence, and  
4 commitment of yours?

5 A. Yes, it is.

6 Q. And in 2005 were you sentenced to 18  
7 additional months for a failure to appear?

8 A. Yes.

9 MR. BECK: And then if we could please go  
10 to Bates 48371.

11 Q. In 2013, is this a commitment to the  
12 Department of Corrections for you, Julian Ray  
13 Romero?

14 A. Yes, it is.

15 Q. In 2013 was your probation revoked, and  
16 were you sentenced to the Department of Corrections  
17 for the revocation of your probation?

18 A. Yes, I was.

19 Q. And then were you released from prison the  
20 last time in 2015?

21 A. Yes.

22 Q. In 2016 did you agree to cooperate with  
23 the Government in this case?

24 A. Yes, I did.

25 Q. Thank you. And over the course of the



1 last few years, from 2016 to today, have you met  
2 with the FBI a number of times and provided  
3 statements to them?

4 A. Yes.

5 Q. And for providing that information to the  
6 FBI, has the FBI paid you for that?

7 A. Yes.

8 Q. Has the FBI paid you approximately  
9 \$2,855.43?

10 A. Yes, they have.

11 Q. Is that for time that you took to meet  
12 with them and provide statements, and then --

13 MR. COOPER: Objection; leading.

14 Q. What is that for?

15 THE COURT: Try not to lead.

16 MR. BECK: Sure.

17 Q. What was that?

18 A. For my time meeting with them. You know,  
19 it takes time to go meet with them. And I have  
20 appointments out there, too, and I have other things  
21 to do, and -- yeah.

22 Q. Were you also sometimes provided meals  
23 when you met with the FBI?

24 A. Yes.

25 Q. At some of the times when you met with the

1 FBI, did you talk to them about previously sending  
2 drugs into or receiving drugs in the New Mexico  
3 Corrections Department?

4 A. Yes, I did.

5 Q. Let me ask you about that. Have you sent  
6 drugs in or received drugs while you were  
7 incarcerated in the Corrections Department?

8 A. Yes, I have.

9 Q. And does the SNM send drugs or receive  
10 drugs while incarcerated?

11 A. Well, yeah, they do.

12 Q. What happens if an SNM member receives  
13 drugs while he's incarcerated with other SNM  
14 members?

15 A. They share with other SNM members, try to  
16 stretch out the drugs as far as they can go. And we  
17 try to make a little bit of money to turn it around  
18 and keep it going, you know.

19 Q. So if an SNM member brings in drugs to an  
20 SNM pod, is he expected to share those drugs with  
21 other SNM members?

22 A. Yes.

23 Q. And what are some ways that SNM members  
24 bring in drugs into the prison?

25 A. Usually through balloons, through a visit.

1 There has been times when guards bring it in. And  
2 they make up -- well, we make up different ways to  
3 bring it in through the mail. Suboxone is going to  
4 be smuggled in, and they've been catching it all the  
5 time. We can't get mail some places, you know,  
6 because it's so easy. Like there are strips, and  
7 they're so easy to bring in through a letter or  
8 whatever.

9 Q. And have you brought in drugs or helped  
10 bring in drugs in those different ways?

11 A. Yes.

12 Q. What are the ways that you've done it?

13 A. Through strips, through letters, and  
14 envelopes.

15 Q. And for the jury, some of them may not  
16 know; when you say "Suboxone," what is Suboxone?

17 A. Suboxone is -- it's like a deterrent for  
18 heroin addicts. It stops any opiate from hitting  
19 you. You take a Suboxone, it hits you like an  
20 opiate base like heroin, but it stops any opiate  
21 from hitting your body. Like if you go do heroin,  
22 you won't feel it. You have to wait at least 24  
23 hours.

24 So the federal uses it in programs for  
25 heroin addicts, to stop them from doing crimes and

1 going into, you know, doing different crimes and  
2 stuff. It helps them curb the craving for heroin.

3 Q. Mr. Romero, are you a heroin addict?

4 A. Yes.

5 Q. Are you currently taking Suboxone?

6 A. Yes, I am.

7 Q. And are you prescribed Suboxone in a  
8 clinic?

9 A. Yes.

10 Q. As I said, I think during some FBI  
11 debriefs you spoke with the FBI about bringing drugs  
12 into prison for the FBI; is that right?

13 A. Yes.

14 Q. Were you charged at some point federally  
15 with a criminal complaint for conspiracy to  
16 distribute Suboxone?

17 A. Yes, I was.

18 Q. Why were you charged with that? Excuse  
19 me. That was a bad question. Why do you think you  
20 were charged with that?

21 A. Because I brought in drugs. I mean, it's  
22 against the law to bring in drugs into an  
23 institution.

24 Q. And after you were charged with the  
25 federal criminal complaint, did you -- were you able

1 to get help and counseling and treatment for your  
2 heroin addiction?

3 A. Yes, I did.

4 MR. BECK: Your Honor, the United States  
5 moves to admit Government's Exhibit 862, without  
6 objection.

7 THE COURT: Any objection from any  
8 defendants? Not seeing or hearing any, Government's  
9 Exhibit 862 is admitted into evidence.

10 (Government's Exhibit 862 admitted.)

11 MR. BECK: If you'll put up Government's  
12 Exhibit 862.

13 Q. Mr. Romero, is this the complaint filed in  
14 United States District Court in 2016, charging you  
15 with conspiracy to distribute Suboxone?

16 A. Yes, it is.

17 MR. BECK: And the next page, please.

18 Q. Down at the bottom, in paragraph 5, does  
19 that state that it's charging you related to a drug  
20 conspiracy between 2011 and 2015?

21 A. Yes, it is.

22 Q. And in subparagraph C there, does it say  
23 that in March 2012 you smuggled approximately 60  
24 Suboxone pills into the Bernalillo --

25 A. Yes.

1 Q. And did you tell the FBI that in one of  
2 your debriefs?

3 A. Yes, sir. I did.

4 Q. Just make sure you speak into the  
5 microphone.

6 A. Yes, I did.

7 Q. And the next page in subparagraph D.  
8 Between 2013 and 2014, while you were incarcerated  
9 in the Central New Mexico Correctional Facility, did  
10 you sell approximately 16 to 20 pieces per month of  
11 Suboxone?

12 A. Yes. I sold them at Central.

13 Q. And when you sell Suboxone in prison, how  
14 are you paid?

15 A. I usually got canteen, and they put money  
16 on my books, and I just turned it around. Because  
17 Suboxone, once you get past from the streets, which  
18 it goes from \$5 to \$10 a strip or a pill, and you  
19 get it into a penitentiary, it becomes \$100 for a  
20 strip or a pill. So you're making ten times the  
21 amount, whatever the mathematics is.

22 But, yeah. I mean, that's the main reason  
23 why I would bring it in, and to use a little bit and  
24 help me out, too.

25 Q. Okay.

1 MR. BECK: And can we go to the next page,  
2 please.

3 Q. In August of 2016 did the United States  
4 dismiss this complaint against you?

5 A. Yes, they did.

6 Q. And was this after the time that you'd  
7 sought treatment for your heroin addiction?

8 A. Yes.

9 MR. BECK: And then page -- the next page,  
10 please.

11 Q. And is that an order dismissing the  
12 complaint?

13 A. Yes, that is.

14 Q. Thank you. Do you know an SNM member that  
15 goes by the nickname Styx?

16 A. Styx, yes, Gerald Archuleta. I know him.

17 Q. In approximately 2000, did you -- were you  
18 on the streets around the year 2000? Out of prison,  
19 is what I mean by the streets. Were you out of  
20 prison during that time?

21 A. Yes, I was in the streets.

22 Q. Did you start a relationship with a woman  
23 who had been or was currently in a relationship with  
24 Styx?

25 A. Yes.

1 Q. I want to go forward to 2015. In 2015  
2 were you incarcerated, in July of 2015?

3 A. Yes. I was in Southern, here in Las  
4 Cruces.

5 MR. BECK: And if we could bring up what  
6 has been admitted as Exhibit 649.

7 Q. Mr. Romero, do you recognize this as an  
8 aerial view of the Southern New Mexico Correctional  
9 Facility, Southern, down here in Las Cruces?

10 A. Yes. Yes, I do.

11 Q. And in July 2015 were you in -- which  
12 housing unit were you in?

13 A. I'm pretty sure I was in C.

14 Q. Were you in housing unit 1-A, C pod?

15 A. Yes, 1-A, C pod.

16 Q. So I'm going to circle down here on the  
17 bottom left where it says "HU-1-A." Is that housing  
18 unit 1-A where you were housed?

19 A. Yes. I was in cell 113.

20 Q. At the time, was that a Syndicate of New  
21 Mexico or SNM pod?

22 A. Yes.

23 Q. What does that mean?

24 A. Well, like that lawyer said earlier, the  
25 SNM changed from before, and they started locking us



1 up for --

2 MR. SINDEL: Your Honor, this is  
3 irrelevant. He asked him whether it was an SNM pod,  
4 and he's going --

5 THE COURT: Are you wanting to elicit  
6 more?

7 MR. BECK: I didn't expect that answer,  
8 Your Honor. I'll ask --

9 THE WITNESS: I didn't mean to do that.

10 MR. BECK: Sure.

11 THE COURT: Why don't you go ahead.

12 BY MR. BECK:

13 Q. No, you're doing fine, Mr. Romero. Was  
14 housing unit 1-A, C pod, were you housed with other  
15 SNM Gang members in that pod?

16 A. Yes, I was.

17 Q. And for all of housing unit 1-A -- well,  
18 let me ask this question. Are there three pods in  
19 housing unit 1-A?

20 A. Yes, there are three pods in there.

21 Q. Is that the blue pod, the yellow pod, and  
22 the green pod?

23 A. Yes.

24 Q. Are those pods identical, other than the  
25 colors?

1           A.     They're identical, yes. And the colors  
2 are different, but they're more or less identical,  
3 yes.

4           Q.     And by "identical," I mean they have the  
5 same numbering of each cell in each pod, right?

6           A.     Yes. They start off with the top tier is  
7 1, 2, 3, 4, 5. The bottom tier is -- I was in cell  
8 113, so it goes from 11, 12, 13, or something like  
9 that; 10, 11, 12, 13.

10          Q.     And that's the same whether you're in blue  
11 pod, yellow pod, or green pod, right?

12          A.     Yes, it's the same.

13          Q.     So getting back to housing unit 1-A in  
14 Southern New Mexico in 2015, were all the yellow  
15 pod, blue pod, and green pod SNM pods?

16          A.     Yes.

17          Q.     Who were some of the SNM members who were  
18 with you in green pod?

19          A.     I can't remember, but Robert, Shanky.  
20 Baby G. I know him by Baby G. I don't know his  
21 real name. I can't remember it.

22          Q.     Was Mario Rodriguez, who also goes by the  
23 name Blue, there?

24          A.     Yeah. He had came down to green pod.

25          Q.     And was a man named Pete Aronda there?

1 A. Yes.

2 Q. And Conrad Villegas?

3 A. Yes, Conrad was there.

4 Q. Lupe Urquizo?

5 A. Yes, he was there.

6 Q. Jerry Montoya?

7 A. Yes.

8 Q. All those names I just listed, are they  
9 all SNM members?

10 A. Yes, they are.

11 Q. In July of 2015, at the beginning of July  
12 2015, was the SNM still on lockdown?

13 A. Yes, they were still on lockdown.

14 Q. What does lockdown mean?

15 A. Lockdown means that we were being punished  
16 for something that -- it could be for any reason, so  
17 maybe some violence came down, a fight broke out.  
18 They just controlled.

19 Q. In lockdown, are you allowed tier time  
20 with the other SNM members?

21 A. We're allowed to go out to the yard, but  
22 to different cages, and we're handcuffed when we  
23 leave the cell. Before we leave the cell, we're  
24 handcuffed through the food port; then we leave the  
25 cell and go out to the yard; and then back up again.

1 And once they lock the door in the cage, then we  
2 back up and they unlock us again. Control.

3 Q. And I'm probably getting ahead of myself,  
4 but what is tier time?

5 A. Tier times is when you're like more or  
6 less in populations in that one cell block that  
7 you're in, you can intermingle with that one cell  
8 block.

9 Q. Okay. So that the gentlemen in your green  
10 pod, tier time would be, you would get to hang out  
11 with them inside the day room in C pod; is that  
12 right?

13 A. Yes.

14 Q. So when you were on lockdown, were you  
15 allowed tier time?

16 A. No, not at that time. But the day that  
17 they did let us, I got hit.

18 Q. And I'm going to get there. You're  
19 jumping just a little ahead of me. So in the  
20 beginning of July 2015, you were on lockdown, and  
21 there was no tier time?

22 A. No, there was not.

23 Q. And did they let the SNM out of lockdown  
24 on July 13th of 2015?

25 A. Yes, they did.

1 Q. And what happened to you the first time  
2 you were let out onto tier time in July of 2015?

3 A. I remember coming out with Pete Aronda,  
4 Chavez, Wacky, and Conrad, just that one tier right  
5 there, the bottom tier. And I brought my towel and  
6 my boxers and stuff, getting ready to go take a  
7 shower, because they were going to lock the door.  
8 And somebody got my attention and called me to his  
9 cell, and I turned around and said, "What's up?"

10 He goes, "Hey," then somebody cold-cocked  
11 me from behind and caught me on the right cheek  
12 right there, and I was dazed. And the only way I  
13 know it now, because I see it on a film. But I  
14 didn't know it at the time.

15 MR. SINDEL: Your Honor, I'm going to  
16 object. Something he's seen on a film is hearsay.

17 THE COURT: All right. Do you have  
18 another question?

19 MR. BECK: I do, Your Honor. That's fine.

20 THE COURT: Okay.

21 BY MR. BECK:

22 Q. So if I understand right, as soon as you  
23 were let out, you were, I think you said,  
24 cold-cocked. But does that mean you were punched in  
25 the head?

1 A. Unexpectedly. I wasn't looking.

2 Q. And then what's the next thing that you  
3 remember after being punched in the head?

4 A. I remember just being dazed and trying to  
5 hold on to whatever was knocking me, trying to knock  
6 me out, and just trying to stay on my feet. And the  
7 next thing remember, I was out in the courtyard, and  
8 they had already called a code red, and they locked  
9 everybody back up. And that's -- that's as far as I  
10 can get on that.

11 Q. Okay. And do you remember being taken to  
12 the hospital here in Las Cruces?

13 A. Yes, I remember that, sort of like in  
14 between, because I was in --

15 Q. Do you remember the injuries that you had  
16 when you arrived here at the hospital in Las Cruces?

17 A. Yes. Lacerations under here, right here,  
18 on top of my eyebrow, all over. I was pretty bad  
19 off. I had stitches all over my face.

20 Q. Were you flown from here in Las Cruces,  
21 the hospital here in Las Cruces, to another hospital  
22 in El Paso?

23 A. Yes.

24 Q. By helicopter?

25 A. Yes, I was.

1 Q. I think you said Pete Aronda, Wacky, and  
2 Conrad. Were they all SNM members?

3 A. Yes.

4 MR. BECK: May I have a moment, Your  
5 Honor?

6 THE COURT: You may.

7 MR. SINDEL: Your Honor, may we approach?

8 THE COURT: You may. I'll tell you what.  
9 Why don't we go ahead and let the jury go, and we'll  
10 take these issues up either tonight or tomorrow.

11 I appreciate your hard work. Thank you  
12 for all you're doing for us. We'll see you at 8:30  
13 in the morning. Have a safe trip and a good  
14 evening. Don't blow away out there.

15 (The jury left the courtroom.)

16 THE COURT: Do y'all want to take these up  
17 in the morning?

18 MR. BECK: I think that's fine. I can  
19 talk with them, and we can work it out.

20 THE COURT: Is there anything that is  
21 coming up quickly that you need an answer to,  
22 anything that I haven't given you a ruling on that  
23 you need sooner rather than later?

24 All right. Mr. Burke?

25 MR. CASTLE: Your Honor, it --

1 THE COURT: Let me get Mr. Burke first.

2 MR. CASTLE: I'm sorry. I didn't see him.

3 THE COURT: Go ahead, Mr. Burke.

4 MR. BURKE: Your Honor, I filed this  
5 morning document 2121, which is a motion to exclude  
6 some testimony from that man. It's another one of  
7 those add-on drug allegations that just came in.

8 THE COURT: Do you need that sooner rather  
9 than later?

10 MR. BURKE: No. Well, I think I'm low in  
11 the batting order. Noon tomorrow probably will be  
12 safe.

13 THE COURT: You're about done with him,  
14 aren't you, Mr. Beck?

15 MR. BECK: Yeah. I mean, we do need that  
16 because I want to bring out what he's asking for on  
17 direct.

18 THE COURT: All right. Let me take a look  
19 at that.

20 MR. BECK: Sure.

21 THE COURT: That sounds like the most  
22 urgent, doesn't it?

23 MR. CASTLE: Your Honor, the other thing  
24 is, Mr. Lujan is scheduled for tomorrow, and we  
25 would like to take a look at his presentence



1 materials. That might be one of the four or five  
2 that the Court has.

3 THE COURT: All right. So Mr. Lujan?

4 MR. CASTLE: Yes.

5 MR. SINDEL: That's all I was going to  
6 say.

7 THE COURT: All right. So I've got my  
8 work. Okay.

9 Y'all have a good evening. Thanks for  
10 your hard work.

11 (A discussion was held off the record.)

12 THE COURT: Can I have your attention?  
13 Can you go back on the record.

14 So Gallegos' -- Lujan's? Lujan's PSR has  
15 been filed, so it's kind of now in a new realm, so  
16 it is in the possession of the Government. So why  
17 don't y'all do a Brady-Giglio review while we're  
18 looking at it, too. You probably didn't know it.  
19 Defendants don't have it. But it's now in a new  
20 status since it was filed.

21 MR. BECK: News to me. We'll do that,  
22 Your Honor.

23 THE COURT: All right. Have a good  
24 evening.

25 (The Court stood in recess.)

1 April 18, 2018

2  
3 THE COURT: All right. Good morning,  
4 everyone. I appreciate everybody being here and  
5 ready to go and on time. We do have a juror --  
6 we've got three jurors from Alamogordo, and two of  
7 them are here. One of them is stuck with the  
8 closure of -- is that 70 that they close from time  
9 to time because of the missiles that they test? And  
10 the other two got up early and they're here. But we  
11 have Mr. Moore, who's the very last juror, number  
12 18, and he was stuck in traffic. He thought it was  
13 going to be lifted at 8:00. So he's on the other  
14 side of the missile range, and so he should be  
15 moving now. We've got all the jurors except him,  
16 but I'm thinking we may not have him till about  
17 9:00. So we'll just monitor that. We've got a few  
18 things to cover this morning.

19 I have a note from --

20 MR. BURKE: Excuse me, Your Honor. Does  
21 the witness need to be here for this?

22 THE COURT: He doesn't need to be here for  
23 it.

24 There is a note from the one of the  
25 jurors. This is juror number 7, Mr. Skousen, who

1 sits -- we've got the blank space for Mr. Swantner,  
2 and then we've got Ms. Nitterauer and Mr. Skousen.  
3 He asked us questions last time. It says, "What is  
4 a life sentence? Is it really life, or can it be  
5 reduced by good behavior or other reasons?"

6 So I assume nobody wants me to try to  
7 address that. Y'all may want to try to address it  
8 with some of your questions, and I think the answer  
9 would differ whether it was probably in state court  
10 or federal court, as far as I know.

11 At the top of it he does have another  
12 question that he's crossed out. And I'm not sure I  
13 can read it, but I think it says, "Why were" -- I  
14 can't read that name -- "or Joe Gallegos put in an  
15 SNM pod? Could they have self-identified to the  
16 person that they were SNM?" I'm not sure what that  
17 first name is. But in any case, I'm going to have  
18 Ms. Bevel mark this as Exhibit 6 to her clerk's  
19 minutes. Let's see. Was there a 6 yesterday?  
20 Didn't we mark all those exhibits from -- end up  
21 taking that batch of materials from the taint team?  
22 Weren't they 6?

23 THE CLERK: That was 5, Your Honor.

24 THE COURT: So we marked those as 5. So  
25 we'll mark this note as 6.

1           As far as the disclosure from the PSRs, it  
2 seems to me that with Warden Lujan's PSR, now that  
3 it's in the Government's possession, all the  
4 Brady-Giglio, Jencks kicks in, it does seem to me  
5 that there's probably some things in there that  
6 ought to be disclosed. That interview by APD.  
7 There is enough in there that I think it would be --  
8 we didn't get an objection from Lujan. Seems to me  
9 I ought to just order you to produce that to the  
10 defendants. What's your thinking?

11           MR. BECK: We produced it last night.

12           THE COURT: So that leaves me, then, with  
13 four. Let me see if I can identify which four they  
14 are, just so everyone knows. Let me just give you  
15 what I know. Roy Paul Martinez has been disclosed;  
16 Jerry Armenta, disclosed; Benjamin Clark, disclosed,  
17 Jerry Montoya, disclosed; Santos Gonzalez,  
18 disclosed; Manuel Jacob Armijo, disclosed; Paul  
19 Rivera, disclosed; Leonard Lujan, disclosed; Timothy  
20 Martinez has been disclosed.

21           What is still in progress is Javier  
22 Alonso, Eugene Martinez, Fred Quintana, Christopher  
23 Garcia, for all his cases. Carlos Herrera, Shauna  
24 Gutierrez, Frederico Munoz. That one is fairly far  
25 along, because it's pending a first review. Gerald

1 Archuleta, Daniel Sanchez, Mauricio Varela. That's  
2 pending a second review, so that must be fairly far  
3 along. Guadalupe Urquizo, Anthony Baca, Robert  
4 Martinez, David Calbert, Conrad Villegas, and Brandy  
5 Rodriguez, Richard Gallegos, and Mario Rodriguez.

6 What we have is -- let me see. I've got  
7 four, so this must be where Probation is on this  
8 matter. A lot of those are just to be done. The  
9 four that we have are Eugene Martinez, Gerald  
10 Archuleta, Robert Martinez, and Frederico Munoz.

11 For those, those are in a different  
12 position. They're not in the Government's hands, so  
13 they're in the Court's hands, so the Court has some  
14 interest in the privacy concerns of these  
15 defendants.

16 I've reviewed the PSRs, and here's the  
17 situation. You know, there are factual sections and  
18 they start to repeat themselves, because the PSR  
19 writers use the same factual section. I'm assuming  
20 those are coming out of discovery. I think for each  
21 one of these, rather than their being a new  
22 statement, another statement of the defendant's  
23 statement of admission or responsibility, they  
24 simply refer to the plea agreement, which you have.  
25 So there is nothing new there. And then there is

1 the private interviews, and I haven't seen anything  
2 in the private interviews, the personal  
3 characteristics that I think you could use in any  
4 way.

5 So it seems to me that -- what I'm going  
6 to do is, in a few areas I'm going to talk to  
7 Probation, the four officers that are working on  
8 these, and make certain that everything that they're  
9 getting is either out of discovery that has been  
10 produced to the defendants or is in the plea  
11 agreement. And with that, I'm inclined not to  
12 produce the others, just because of case law that  
13 indicates that there is an overriding interest in  
14 the defendant cooperating with the Court and getting  
15 information.

16 I'll continue to look at these and make  
17 sure that I don't see anything that the defendants  
18 could use or I feel overrides that concern. But  
19 that's where we are with that review. But at least  
20 we got Mr. Lujan in your hands.

21 Seems like there was another topic to  
22 cover with you, but that's all I can think of.

23 Mr. Castle?

24 MR. CASTLE: Yes, Your Honor. With regard  
25 to the criminal histories --

1 THE COURT: Oh, yes, the criminal  
2 histories. I'm assuming that y'all have those. Am  
3 I wrong?

4 MR. CASTLE: Well, it's kind of  
5 hodge-podge, and it's kind of hard to tell, for  
6 example, when someone has finished their sentence,  
7 which is relevant under 609, and I think it would  
8 give us all clarity in addressing those kinds of  
9 issues, because I know that U.S. Probation does a  
10 much better job than -- no offense -- the U.S.  
11 Attorney's Office does. They have access to things  
12 that the U.S. Attorney's Office doesn't have with  
13 regards to people's sentences and the exact nature  
14 of their convictions and the length of their  
15 sentences.

16 THE COURT: Okay. Well, let me give that  
17 some thought. I had just sort of assumed y'all had  
18 the criminal histories, but I understand what you're  
19 saying. So let me give that a little bit more  
20 thought.

21 Ms. Bevel did get donuts for the jurors,  
22 so they're back there comfortable. Is there  
23 anything else we need to discuss while we've got a  
24 little bit of time? Anything else I can do for you,  
25 Mr. Burke?

1 MR. BURKE: Your Honor, I need to make a  
2 record before you deny my motion to limit some  
3 testimony.

4 THE COURT: Okay.

5 MR. BURKE: I filed -- I think it's --

6 THE COURT: Is this 2121?

7 MR. BURKE: -- 2121. And it's similar to  
8 the one we heard yesterday, where I was objecting to  
9 some testimony from Mario Rodriguez about drugs and  
10 Edward Troup.

11 Julian Romero also remembered that --  
12 allegedly that Edward Troup brought drugs into  
13 segregation. And this, you know, seems to be the  
14 pattern. It comes on the eve of trial, and  
15 therefore, in any other situation, in my view, would  
16 violate the rules of discovery and the idea of a  
17 discovery cutoff date, and the idea of a fair trial,  
18 and the idea of not having a trial by ambush and  
19 surprises on the eve of trial. And the Government  
20 argues that, "Well, we always said we would try to  
21 introduce stuff about drugs."

22 And then we had that discussion at the  
23 bench yesterday, and I don't remember any drug  
24 exception to the rules of discovery and the rules  
25 relating to not surprising the defendant before a



1 witness takes the stand. But the Court has allowed  
2 that sort of drug-related testimony to come in.

3 But what's offensive about this is that it  
4 always comes up in, like, the last pretrial  
5 interview of a witness before the witness takes the  
6 stand. And in fairness, I recognize that these  
7 prosecutors work very hard. So for me to say they  
8 could have done it, you know, back three months ago  
9 would be not fair, because they were in trial, you  
10 know, consistently.

11 But they do have a large office, and the  
12 FBI has many agents. And so it always ends up  
13 hurting these defendants when they have these  
14 informant witnesses who are basically -- and I know  
15 the Government doesn't like this -- but basically  
16 they're paid for their testimony, and they know what  
17 side they're on, and they remember things on the eve  
18 of trial. And Julian Romero has never mentioned  
19 Edward Troup, never mentioned him in any of his many  
20 statements. And here on the eve of trial he says,  
21 "Edward Troup brought drugs into jail." And so --  
22 it wasn't listed as a bad act. I object. I think  
23 it should be excluded.

24 THE COURT: All right. Thank you.  
25 Mr. Burke.

1 Mr. Beck, do you want to address this?

2 MR. BECK: Yes, Your Honor. There is  
3 certainly a discovery deadline, and the United  
4 States has complied with that to the extent that it  
5 could. But for there to be something to produce --  
6 I mean, we've gone over this many times -- it has to  
7 be in the Government's possession. And so when it's  
8 in the witness' mind, it's not in the Government's  
9 possession, so there is no discovery violation.

10 Indeed, the United States has done its  
11 best to get these statements out as quickly as  
12 possible, even, you know, some of the things we  
13 learned last weekend via email to the defendants  
14 before a 302 or even the agents' notes could be  
15 produced. It's just the nature of having witnesses  
16 at trial that witnesses remember things. And I  
17 would argue the contrary, which is: The first time  
18 I asked Julian Romero about Edward Troup was  
19 whenever those notes are from, sometime in March,  
20 when I was pretrialing him for this trial. And I  
21 think, as the Court said yesterday, it's admissible  
22 evidence. There is nothing you can really do about  
23 it. There is nothing anyone can really do about it.  
24 And now the defendant has had weeks by this point,  
25 three or four weeks to prepare for this testimony,

1 versus if the first time I asked Julian Romero about  
2 Edward Troup was this morning up on the stand, they  
3 would have no time to prepare for it.

4 So it's just the nature of the case, but  
5 there is nothing improper under the rules. There is  
6 no obligation for the United States to go out and  
7 get discovery. And that's rational. It's practical  
8 in the case of these witnesses because the United  
9 States cannot sit down with them and download all of  
10 the information that they have. It's not only  
11 impractical; it's impossible. People remember  
12 things at different times. And it just -- the rules  
13 of discovery are set up so that the defendants get  
14 as much advance notice as possible. It should not  
15 be trial by ambush, but it's not. I mean, one thing  
16 at the end, on top of all the other things, is not  
17 trial by ambush; it's just the nature of the trial  
18 that things come up you have to think on your feet  
19 for.

20 So I guess I'm happy to answer any  
21 questions the Court has.

22 THE COURT: Not at the moment. Thank you,  
23 Mr. Beck.

24 Do you have anything further, Mr. Burke?

25 MR. BURKE: No, Your Honor. You

1 understand the issues. I have nothing more.

2 THE COURT: Well, I looked at the -- I  
3 looked -- since I saw your brief yesterday morning,  
4 I looked at the statement that was in there. And it  
5 seems that Romero's statements in this new 302 are  
6 probative of a material issue other than character.  
7 I think that was your primary objection in the  
8 motion itself. To establish a violation of VICAR,  
9 the United States has to show that the SNM is an  
10 enterprise engaged in racketeering activity under  
11 1959(a), and drug trafficking is racketeering  
12 activity in accordance with 1961(1)(a).

13 I guess we've now heard evidence that  
14 Mr. Troup is an SNM member, so evidence indicating  
15 that Mr. Troup smuggled drugs into a prison facility  
16 tends to make it more probable that the SNM is an  
17 enterprise engaged in racketeering activity, so I  
18 think it passes the 401 test. And I don't think  
19 that I can say that Mr. Romero's statement is  
20 irrelevant to the VICAR charges against Mr. Troup.  
21 So the 402 argument, I think, fails because it  
22 doesn't render those statements inadmissible.

23 And then, I guess, offering Romero's  
24 statements to show that the SNM was an enterprise  
25 engaged in racketeering activity is not using the

1 statement to prove Mr. Troup's character in order to  
2 show that on a particular occasion he acted in  
3 accordance with the character, so the statement is  
4 not inadmissible under Rule 404. It looks like  
5 Mr. Romero made the statement that Mr. Troup finds  
6 objectionable on March 28, 2018, so Rule 404(b)(2)'s  
7 notice provision, which contains a good cause  
8 provision, does not bar admission of Mr. Romero's  
9 statements, even if it were a 404 evidence. And I  
10 don't think it really is properly 404.

11 We've been using bad acts to get  
12 information to the defendants so they can argue it's  
13 404. But I think in this case it's not 404. It  
14 doesn't have to satisfy that notice requirement, and  
15 in this case, even if it did, it would -- the notice  
16 requirement, 404, would not bar it, given the timing  
17 of the disclosure. So I'll deny the motion to  
18 exclude Mr. Romero's testimony.

19 All right. Mr. Burke, anything else?

20 MR. BURKE: No, thank you.

21 THE COURT: Mr. Castle?

22 MR. CASTLE: Yes, Your Honor. This isn't  
23 a specific request at this point in time, but I  
24 thought I'd raise it so that the Court can think  
25 about it. There is a lot of information coming in

1 concerning the enterprise element. From what I  
2 could gather from all the defendants here, no one is  
3 actually contesting enterprise evidence. I know the  
4 Court, you know, follows the Old Chief concept of  
5 letting the Government prove its case as robustly as  
6 it wishes. But at some point in time, there is a  
7 danger of unfair prejudice.

8           From what I can tell, Mr. Andrew Gallegos'  
9 defense isn't that an enterprise doesn't exist; that  
10 he's just not part of it. I think maybe Joseph  
11 Gallegos and Andrew Gallegos have a defense that  
12 maybe a crime that they're alleged to have committed  
13 wasn't in furtherance of the enterprise. I believe  
14 that maybe other defendants -- like Mr. Patterson's  
15 defense is that he wasn't part of the enterprise and  
16 didn't commit the acts alleged. You know, many  
17 defendants, I think, are doing an identification  
18 defense of some sort. I don't see anybody  
19 contesting the enterprise.

20           So we're hearing about horrific murders  
21 from Mr. Romero. We've been hearing horrific  
22 murders from a lot of witnesses, including  
23 Mr. Rodriguez yesterday, that have nothing to do  
24 with anything other than establishing the  
25 enterprise.

1           And so I don't think the real meaning of  
2 Old Chief is that the barn door is open completely.  
3 Just like we can show pictures to a jury of a  
4 murder, and there is a limit on how horrific of  
5 pictures we can do and the number of pictures. And  
6 so I think the Court -- I think there's going to be  
7 some objections from the defendant.

8           We all met yesterday. We're all trying to  
9 figure out how to get this trial done by the end of  
10 May. And I think one of the ways is to start to  
11 limit some of this. Because there is a danger here.  
12 I mean, that question about, you know, does life  
13 really mean life? I don't know what that means, but  
14 one of the meanings could be: Can we put these men,  
15 these horrible SNM people, away forever? You know,  
16 or the witnesses, for that matter. And so I think  
17 there is --

18           THE COURT: But it also could be something  
19 more innocuous. I realize it could mean that. It  
20 could be that they're grappling with -- when we talk  
21 to these cooperators and they talk about life,  
22 they're trying to figure out, what is this 5K going  
23 to do? I mean, we know in this room that a 5K can  
24 reduce a mandatory sentence, but I'm not sure they  
25 do. And so when they hear "life," I mean, it may be

1 a fairly innocuous question.

2 MR. CASTLE: It may very well be. But I  
3 can tell the Court that I think the casual observer  
4 hearing all this, their gut instinct is: How can we  
5 put everybody away?

6 THE COURT: Well, is there any interest in  
7 stipulating to the enterprise element?

8 MR. CASTLE: I can say on behalf of my  
9 client yes, but I can't speak for anyone else. But  
10 we listened to the opening statements. I don't  
11 think anyone contested the enterprise element there,  
12 so...

13 THE COURT: If the defendants are thinking  
14 about that, is there any interest on the  
15 Government's part? You've already gotten to show  
16 details pretty good. But from here on out, would  
17 there be any interest if the defendants all agreed  
18 to stipulating to the enterprise element?

19 MS. ARMIJO: Your Honor, I think that,  
20 one, I have a hard time believing that defendants  
21 would even stipulate to that. As you may recall,  
22 there were a lot of hearsay objections with Mr.  
23 Roark, who should have been an hour-and-a-half  
24 witness, who turned into a six-hour witness with a  
25 lot about his white paper and how they wanted to get



1 out how the SNM is a dying organization, there's  
2 only 90 members. A lot of that kept on coming out  
3 improperly. So they're trying to paint the picture  
4 that the SNM is dead and no longer around and that  
5 this prosecution is overzealous.

6 So at this point, no, we're not interested  
7 in it. But more importantly, I don't think that  
8 this defense team, given the questions of Mr. Roark,  
9 is interested in it, either.

10 THE COURT: Well, if they were to get on  
11 the same page, would y'all be interested in  
12 considering it, if they were to get on the same  
13 page? I can understand you maybe not want to put a  
14 lot of effort into it at this point if the  
15 defendants aren't united. But if they did, would  
16 you take a look at it?

17 MS. ARMIJO: I don't -- Your Honor, it's a  
18 very difficult question, because we have prepared  
19 all these witnesses to tell their stories as far as  
20 prepared their witness testimony. Look at somebody  
21 like Frederico Munoz, who has committed two murders.  
22 I'm sure that they're going to get into the fact on  
23 a 609 basis that he has two murders. Well, those  
24 two murders were SNM-related. So it's hard to pick  
25 apart those sort of things, because I'm sure they're

1 going to come down hard on somebody like Frederico  
2 Munoz. But yet we need to be able to explain that.  
3 So it's a very fine line, so I just don't think it's  
4 feasible.

5 THE COURT: I just wonder if it might  
6 reduce the number of witnesses. I'm not saying it  
7 would knock out Frederico Munoz, but I just wonder  
8 if there was a stipulation, it might sort of reduce  
9 the need of calling so many witnesses.

10 MS. ARMIJO: You know, Your Honor, I know  
11 that the witness list has 150 people, but we're not  
12 planning on calling that number. But every single  
13 person that we are planning on calling has specific  
14 information either related to one of these murders  
15 or events or these defendants. We're not having --  
16 they have information. Mr. Romero even has  
17 information. I mean, so everybody that we're  
18 calling has specific information or statements from  
19 these defendants. We don't have, that I can think  
20 of, a straight witness that won't know anything from  
21 any of these defendants or any of the murders that's  
22 just going to talk about racketeering activities.  
23 They all have relevance, and they will be attacked  
24 on it a great deal. You saw what they did  
25 yesterday. Quite frankly, Mario Rodriguez's

1 incident at the Grant County Detention Center was a  
2 sexual -- with his sexual crime, technically that  
3 falls under the Robert Martinez issue that the Court  
4 has looked at, and the facts of that -- that is not  
5 an SNM-related crime and the facts of that really  
6 shouldn't have come in. But the reason we brought  
7 it out is because I think the defense could have  
8 made an argument to the Court to bring it in as far  
9 as his reasonings for wanting to cooperate and not  
10 be charged and not having to register as a sex  
11 offender. So there may have been some relevance  
12 there.

13 But you saw how yesterday they went and  
14 drug that out over and over and over again. And so  
15 I just don't think it's going to be possible to  
16 reach that sort of agreement, especially with what  
17 we have coming up.

18 THE COURT: Hold on just a second,  
19 Mr. Burke.

20 Go ahead while we're waiting, Mr. Burke.

21 MR. BURKE: Just to let the Court know  
22 that Ms. Armijo has not accurately predicted the  
23 position of Mr. Troup. Mr. Troup would be very  
24 interested in stipulating as to enterprise for all  
25 the reasons that have just been alluded to.

1           And on behalf of Mr. Troup, I also want to  
2 say that Mr. Roark was a six-and-a-half-hour witness  
3 because the Government was trying to conceal the  
4 true status of the SNM at this time, and we happened  
5 to have on the stand the witness who knows perhaps  
6 the most in general terms about what the SNM really  
7 is today, so that the jury could have an accurate  
8 perception of what the SNM is today, as opposed to  
9 the exaggerated position that the Government has  
10 taken about the SNM today. Thank you.

11           THE COURT: Well, I'll certainly be  
12 interested if the defendants get on board with a  
13 stipulation. I guess if the stipulation were  
14 available to the Government, I wonder if I might  
15 need to think about exercising some 403 to start  
16 bringing in. We don't need to be litigating a  
17 phantom issue too much.

18           So keep me posted on that. There's not  
19 much I can do right at the moment, and I probably  
20 can't force a stipulation, but I can look at 403 and  
21 start saying, "Well, is this a real issue in this  
22 case? Is this a phantom issue or not?" And maybe  
23 start seeing if we need so much evidence that's  
24 going to that.

25           THE CLERK: They're all here, and they're

1 lining up, Judge.

2 THE COURT: All right. They're lined up,  
3 ready to go.

4 (The jury entered the courtroom.)

5 THE COURT: All right. Everyone be  
6 seated.

7 Good morning, ladies and gentlemen. When  
8 I talk to other federal judges around the nation, I  
9 don't have to tell them that sometimes we have a  
10 delay because of missile range tests, do we? One of  
11 the fun things about living in New Mexico, it's a  
12 little different, and so we have to adapt.

13 But I'm glad everybody is here and ready  
14 to go, and I appreciate your hard work. I  
15 understand you got treated to some donuts this  
16 morning. A donut makes all of us feel better,  
17 doesn't it, until about 30 minutes later, and then  
18 we wonder why we ate them.

19 All right, Mr. Romero, I'll remind you  
20 that you're still under oath.

21 Mr. Beck, if you wish to continue your  
22 direct examination of Mr. Romero, you may do so at  
23 this time.

24 MR. BECK: Yes, Your Honor. May I  
25 approach the witness with what's been marked for

1 identification purposes as 766, 767, 768, and 775?

2 THE COURT: You may.

3 JULIAN ROMERO,

4 after having been previously duly sworn under  
5 oath, was questioned, and continued testifying  
6 as follows:

7 CONTINUED DIRECT EXAMINATION

8 BY MR. BECK:

9 Q. Mr. Romero, I'm handing you a couple of  
10 pictures. Do you recognize what's depicted in those  
11 photographs?

12 A. Yes, I do.

13 Q. And who is that?

14 A. That's me.

15 Q. And when was Government's Exhibit 766 --  
16 when was that taken?

17 A. 7/13/2015.

18 Q. Government's Exhibit 767. Do you  
19 recognize who is in that photograph?

20 A. Yes, I do.

21 Q. Who is that?

22 A. That's also me.

23 Q. And when was this taken?

24 A. The same date, 7/13/2015.

25 Q. Government's Exhibit 768, is that also

1 you?

2 A. Yes, that's me.

3 Q. And do you recognize that as how you  
4 appeared on July 13, 2015?

5 A. Yes.

6 Q. And Government's Exhibit 775; is that also  
7 you?

8 A. Yes, that's me.

9 Q. Do you recognize that's how you appeared  
10 on 7/13/2015?

11 A. That's how I appeared.

12 Q. And are these pictures fair and accurate  
13 representations of how you appeared on July 13,  
14 2015, Mr. Romero?

15 A. Yes, they are.

16 MR. BECK: Your Honor, the United States  
17 moves for admission of Government's Exhibits 775,  
18 768, 767, and 766.

19 THE COURT: Any objection from the  
20 defendants?

21 Not hearing or seeing any, Government's  
22 Exhibit 766, 767, 768, and 775 will be admitted into  
23 evidence.

24 (Government's Exhibits 766, 767, 768, and  
25 775 admitted.)

1 MR. BECK: May I publish to the jury, Your  
2 Honor?

3 THE COURT: You may.

4 MR. BECK: May we see Government's Exhibit  
5 766, please?

6 BY MR. BECK:

7 Q. Mr. Romero, I think we left off talking  
8 about you being assaulted by another SNM member on  
9 July 13, 2015. Do you recall that?

10 A. Yes.

11 Q. And this picture of you -- was that taken  
12 at the hospital after the assault?

13 A. That was taken before the hospital. That  
14 was taken at the penitentiary, at the infirmary.

15 Q. Thank you. So this is a picture of you  
16 after the assault by other SNM members at the  
17 infirmary at the Southern New Mexico Correctional  
18 Facility?

19 A. Yes, that is.

20 Q. And then I think you said that after the  
21 assault, you had cuts on your eyes and you'd been  
22 hit in the right front temple; is that right?

23 A. Yes.

24 Q. And then if we can go to 767, is that a  
25 close-up of your face on that day after the assault?



1 A. Yes, that is.

2 Q. And Government's Exhibit 768. Is that a  
3 picture of the right side of your face after the  
4 assault?

5 A. Yes.

6 Q. And then Government's Exhibit 775, please.  
7 I think you said right after you were locked -- you  
8 were let out for tier time -- the first thing you  
9 remember is being hit. And where do you remember  
10 being hit?

11 A. Like I said, I was called to a cell. I  
12 turned this way to talk to the person that was  
13 talking to me. When I turned this way, all I  
14 remember was, the first one, they caught me from  
15 behind and came around this way and caught me right  
16 there, so...

17 Q. On the right side of your face?

18 A. Yes, the right side of the temple, right  
19 there.

20 Q. Is that what we see depicted where I just  
21 circled the impression on the right side of your  
22 skull?

23 A. Yes, it is.

24 Q. And Mr. Romero, I think you said that this  
25 event happened just a couple seconds after you were

1 let out, the SNM was let out of lockdown; is that  
2 right?

3 A. Yes.

4 Q. And how long had you been on lockdown  
5 before you were let out for the first time, this  
6 time?

7 A. Let's see. I arrived at Southern about  
8 maybe six months earlier. I can't remember now, but  
9 it was about six months. It wasn't a year yet.

10 Q. And in those entire six months you'd been  
11 there, was the SNM on lockdown?

12 A. Yes.

13 Q. Before that we talked about a disagreement  
14 with you and Styx, or Gerald Archuleta. Do you  
15 remember that?

16 A. Yes.

17 Q. Was there a division in the SNM when you  
18 got with Styx's wife on the outside?

19 A. Well, yeah, there was a division. The  
20 younger guys started going with Styx and the older  
21 guys were, like, "Hey, man, that's personal. That's  
22 between you and Julian," and he didn't like that,  
23 you know. There was a division.

24 Q. I think earlier you talked about Angel  
25 Munoz. Who is Angel Munoz?

1           A.     Angel Munoz was the second. Juan Baca was  
2     the first SNM. Angel Munoz was the second. When  
3     Juan Baca became involved in the Bible, he got out  
4     of the SNM. I don't know how he did that, because  
5     he said it was never to be done, only through death;  
6     that's the only way out. Blood in, blood out, you  
7     know.

8           Q.     And let me ask, once Mr. Baca stepped away  
9     from the SNM, once Juan Baca stepped away from the  
10    SNM, who was the leader of the SNM?

11          A.     The way I heard it is --

12          Q.     I'm not asking what you heard. I'm just  
13    asking from your experience, Mr. Munoz was second in  
14    command, and Juan Baca stepped away. Who was the  
15    leader of the SNM?

16          A.     Angel. Angel Munoz.

17          Q.     At some point, did Angel Munoz leave the  
18    prison system and turn over the leadership to Gerald  
19    Archuleta?

20          A.     Yes.

21          Q.     And while Gerald Archuleta was the leader,  
22    did he put a hit out on you or a green light for  
23    getting with his wife?

24          A.     Yes.

25          Q.     Is it a rule in the SNM that you have to

1 back up your carnals or your brothers?

2 A. That's a rule.

3 Q. Does the SNM come first before all other  
4 things?

5 A. It's supposed to, yes.

6 Q. And if you got with Mr. Archuleta's wife  
7 while he was incarcerated, is that backing up your  
8 brother?

9 A. No, that isn't. That's disrespecting him.

10 Q. You were assaulted in 2015. Were you also  
11 shot in 2003?

12 A. Yes, I was shot.

13 Q. And were you shot by other SNM members?

14 A. Yes.

15 MR. GRANBERG: Objection, leading  
16 question.

17 Q. Who were you shot by?

18 THE COURT: Try to be careful. I know  
19 some of these you have to go to different topics,  
20 but try not to lead.

21 MR. BECK: Sure.

22 BY MR. BECK:

23 Q. Who were you shot by?

24 A. It's common knowledge. You know, even the  
25 guy that shot me admitted to it.

1 MR. SINDEL: Your Honor --

2 THE COURT: Hold on.

3 MR. SINDEL: There needs to be some  
4 foundation. Common knowledge is obviously going to  
5 be hearsay, if some individual stated that, and I  
6 think that foundation needs to be laid.

7 THE COURT: Well, why don't you -- he  
8 started off in a troubling way. So why don't you  
9 lead him with some foundation questions, and let's  
10 see if we can get nonhearsay testimony.

11 A. I understand --

12 THE COURT: Hold on. Hold on. Let Mr.  
13 Beck ask you a question.

14 BY MR. BECK:

15 Q. You're doing fine, Mr. Romero. That was  
16 my fault for asking a bad question.

17 What happened the night you were shot in  
18 2003?

19 A. I was putting some laundry inside the car  
20 for my wife -- that's my wife now. She's walking  
21 out the front door. And a black sedan drove up to  
22 the front yard, and came to be known as Playboy,  
23 Freddie -- I forgot his last name. Fred something.

24 Q. Is it Frederico Munoz, who goes by  
25 Playboy?

1 A. Yes. And he says, "Hey, Julian, carnal."

2 I go, "Hey, what's up?" And I started  
3 walking towards him.

4 And my wife yelled out, "Watch out,  
5 Julian. He's got a gun." And at that time he  
6 started shooting about 30 feet away, and it started  
7 just -- sounded like firecrackers, you know. And he  
8 just emptied out the clip. There was, like, 15  
9 rounds and I was, like, ducking it. I took off  
10 running towards my truck, around the car, and my  
11 wife was trying to get around the car to get inside  
12 of it. And when the clip emptied out, he hit me  
13 with the last bullet right when I was running around  
14 the truck, and it hit me on the right by the ankle,  
15 right above the ankle, and it fractured my leg. So  
16 I fell down right there and I felt the pain.

17 I don't know if anybody has been shot  
18 here, but it was a hollow point, a 9 millimeter, and  
19 it tore up my leg pretty bad. And I heard the clip  
20 in there; I still had my senses with me. And so  
21 when I heard the clip, I got up and I jumped the  
22 fence. And I felt my leg break, but I thought I was  
23 stepping in mud, because it felt like my leg was  
24 sinking. And I took a couple more steps and my leg  
25 snapped, and it was just flopping there. And I

1 stood right there, just fell then. When he  
2 reloaded, he emptied out the rest of the bullets on  
3 the house. And he missed my wife's son by about  
4 that far. And he was only like 13 years old. And  
5 if he had hit my wife's son, it would have been a  
6 different story, but...

7 Q. Sure. Was Frederico Munoz, or Playboy --  
8 did he fall under Styx in the SNM?

9 A. Yes, he did it for Styx.

10 Q. You talked about Juan Baca stepping away  
11 from the Bible. Did he write you a letter at some  
12 point about that?

13 A. Yes, he did.

14 Q. And why did you -- what did you come to  
15 think about that letter? Why did he send you that  
16 letter?

17 A. What I came to think about it, I explained  
18 it to you earlier, is that he wrote it for the  
19 parole board's view. He said, "Listen, carnal.  
20 Write to me anytime you want as a brother, but write  
21 to me under Lord Jesus Christ."

22 And I was looking at it, like, what's  
23 going on there, you know. And he goes, "I'm no  
24 longer a warrior for the devil. I'm going to become  
25 a warrior for Jesus Christ, and that's harder than

1 being a warrior for the devil."

2 And later on I come to understand that he  
3 was writing it for the parole board's interests,  
4 because they read every letter that you wrote, you  
5 know.

6 Q. So your understanding is that the prisons  
7 read letters that were sent from inmate to inmate;  
8 is that right?

9 A. Yes.

10 Q. So your feeling about it was he wrote that  
11 letter to get it in front of the parole board?

12 A. That's what I figured.

13 Q. Do you know Christopher Chavez, the one  
14 that goes by the name of Critter?

15 A. Yes, I know Critter.

16 Q. Is he in this courtroom?

17 A. Yes, he is.

18 Q. And where is he?

19 A. Christopher Chavez is right there.

20 Q. What's he wearing?

21 A. Gray shirt or top, kind of light-blue  
22 shirt or top.

23 MR. BECK: Let the record reflect that  
24 Mr. Romero identified the defendant Christopher  
25 Chavez.



1 THE COURT: The record will so reflect.

2 BY MR. BECK:

3 Q. What do you know about Mr. Chavez?

4 A. He's from my barrio, Barelas. And he got  
5 into the SNM, and Styx gave him problems over -- you  
6 know, because he gave everybody from Barelas  
7 problems.

8 Q. Why did Styx give everyone from Barelas  
9 problems?

10 A. Because me and him had a confrontation,  
11 and he tried to make everybody -- saying, like,  
12 "Well, Julian -- this is personal between you and  
13 Julian, you know. Why should I make a decision to  
14 come with you or with Julian? There is just one S,  
15 you know." And Styx was trying to make a division  
16 there.

17 Q. So is it fair to say that Styx, the leader  
18 of the gang, sort of took out a vendetta or targeted  
19 for hits anyone who backed up you, you versus him?  
20 Is that fair?

21 A. That's fair to say.

22 Q. Now, I want to take you to -- I think you  
23 said you arrived at Southern sometime -- at Southern  
24 New Mexico Correctional Facility sometime in about  
25 2014, 2015; is that right?

1 A. Yes.

2 Q. Can we see Exhibit 649, please?

3 I'm going to take you to the Southern New  
4 Mexico Correctional Facility, and just so that we  
5 all remember, at this point you were housed down  
6 here in the bottom left in housing unit 1-A; is that  
7 right?

8 A. Yes.

9 Q. Which cell were you housed in? Let me ask  
10 this question first. Were you housed in green pod  
11 at that time?

12 A. Yes, I was housed in green pod.

13 Q. And which cell were you housed in and  
14 which cell was Mr. Chavez housed in?

15 A. I was housed in 113. Mr. Chavez was  
16 housed in 105, I believe.

17 Q. And we went over this yesterday. But all  
18 these pods -- green pod, blue pod, yellow pod -- in  
19 all the housing units they're all set up  
20 identically; right?

21 A. They're identical.

22 MR. BECK: Your Honor, at this time the  
23 United States moves to admit Government's Exhibit  
24 876, which is a picture of 1-A blue pod; 877, which  
25 is a picture of 1-A yellow pod; and 878, which is a

1 picture of 5-A C pod, I believe without objection.

2 THE COURT: Any objections?

3 MR. COOPER: No, objection, Your Honor.

4 THE COURT: Not seeing or hearing any  
5 objections, Government's Exhibits 876, 877, and 878  
6 will be admitted into evidence.

7 (Government's Exhibits 876, 877, and 878  
8 admitted.)

9 BY MR. BECK:

10 Q. Now, Mr. Romero, I know you weren't housed  
11 in 1-A blue pod, 1-A yellow pod, or 5-A green pod,  
12 but since we don't have a picture of 1-A green pod,  
13 we're going to use these. So I'm going to take you  
14 to 1-A blue pod. Government's Exhibit 876.

15 A. I was in 113 right next to that outside  
16 door and the shower. It's kitty-corner right there.

17 Q. So although you were in the green pod and  
18 this is the blue pod, you were housed, if I  
19 understand, down here in cell 113, and Mr. Chavez  
20 was housed up here in cell 105; is that correct?

21 A. Yes.

22 Q. Let's skip to Government's Exhibit 878.  
23 Again, this is housing unit 5-A, but is this the  
24 identical setup to housing unit 1-A C pod where you  
25 were housed at the time?

1 A. Yes.

2 Q. Again, is it called green pod because of  
3 the coloring of the doors?

4 A. Yes. It's just to separate the pods.

5 Q. So this is a different view, but  
6 Mr. Chavez would have been up here in housing unit  
7 1-A; is that right, in 105?

8 A. 105.

9 Q. And then you would have been right below  
10 him, which we can't see there?

11 A. 113.

12 Q. How do you talk to each other when you're  
13 in your cells?

14 A. Well, where we're at, me and Mr. Chavez  
15 would talk to each other through the air vent.  
16 There would be a couple more guys on the other air  
17 vent. And they start out watching TV and, you know,  
18 eavesdrop or whatever. They could hear everything  
19 we're talking about.

20 Q. So if I understand, there are air vents in  
21 your cell, and you could talk to the person below  
22 you or on top of you through those air vents; is  
23 that right?

24 A. Yes, sir.

25 Q. And what did Mr. Chavez say to you one

1 time when you were talking in the air vents?

2 A. Well, let me explain this. An inmate, an  
3 SNM member, drove up to Southern. His name is Frank  
4 Gonzalez, Speedy. And we had never had the  
5 paperwork. But he mentioned to a couple of his  
6 friends that he saw a murder happen.

7 MR. GRANBERG: Objection, Your Honor,  
8 hearsay.

9 THE COURT: Well, it does seem this is not  
10 your question, and so why don't you ask another  
11 question and see if you want to elicit this, so the  
12 defendants can determine whether they want to  
13 object.

14 MR. BECK: Sure.

15 BY MR. BECK:

16 Q. So if I understand, Speedy, another SNM  
17 member, showed up at the pod with paperwork or  
18 talked about paperwork?

19 A. Yes.

20 Q. And what did Mr. Chavez say in response to  
21 that?

22 A. Well, he called me. He told me Speedy  
23 just drove up, and there is paperwork on him, and I  
24 told Mr. Chavez, "Hey, man, let that go. Man, I  
25 don't want to -- why do you want to just bring up

1 this stuff? Don't bring up my name. I didn't see  
2 the paperwork. So don't mention my name if you say  
3 anything about it."

4 Q. Let me cut you off there. What is  
5 paperwork?

6 A. Like he's an informant.

7 Q. And what happens if someone has paperwork  
8 on them that they're an informant?

9 A. They'll usually get hit.

10 Q. So after you tell Mr. Chavez, Don't put  
11 your name on that, you've never seen that paperwork,  
12 what did you and Mr. Chavez say to each other?

13 A. He said, "It's all good. I won't do  
14 that."

15 Q. Did he then go on to say something else to  
16 you?

17 A. Yes, he did. He told me, "Hey, man, I'm  
18 going to be going pretty soon. If you need  
19 anything, let me know." And it's been 10 years  
20 since. Nothing happened over there, but he didn't  
21 tell me he did it or nothing like that. But he  
22 said, "Do you think they could still indict me?"

23 I go, "Hey, man, there is no statute of  
24 limitation. So just quit saying it anymore. There  
25 are other people listening on these vents, you

1 know."

2 Q. Let me take you back there. So this was  
3 in 2014, and Mr. Chavez said, "Do you think they  
4 could still indict me for that thing over there in  
5 Southern?" Is that what he said?

6 A. Right.

7 Q. And what did you think he was talking  
8 about?

9 A. I don't know. I didn't want to know. But  
10 now, I come to realize who it was. But he -- like I  
11 said, he didn't admit to nothing, or nothing. So  
12 I'm not throwing him under the bus or nothing.

13 Q. Mr. Romero, I know he didn't say exactly  
14 what it is. But what did you come to think it is  
15 now that he was talking about?

16 A. You know, murders that happened over there  
17 in Southern, here in Southern.

18 Q. Is that the murders in 2001, here at  
19 Southern New Mexico Correctional Facility?

20 A. Yes.

21 Q. I want to talk to you about Mr. Edward  
22 Troup, who goes by Huero Troup. Do you know who  
23 that is.

24 A. Yes, I know who that is.

25 Q. Is he here in the courtroom also?

1 A. He's right behind you, right there. I  
2 can't see him from here.

3 Q. What is he wearing?

4 A. Light-tan shirt.

5 Q. And where is he in relation to Mr. Garcia?

6 A. To the left side.

7 MR. BECK: Let the record reflect that Mr.  
8 Romero identified the defendant Huero, Edward Troup.

9 THE COURT: The record will so reflect.

10 BY MR. BECK:

11 Q. Have you been incarcerated with Mr. Troup?

12 A. Yes, I've been incarcerated with him.

13 Q. Were you incarcerated with him at the  
14 Metropolitan Detention Center?

15 A. Yes.

16 Q. And what happened with Mr. Troup when you  
17 were incarcerated with him at the Metropolitan  
18 Detention Center?

19 A. He just came up to me and told me,  
20 "Everything that happened between you and Styx,  
21 that's personal. I'm tired of hearing that. I'm  
22 just -- you know, hey, that's between you guys."

23 Q. Did he ever bring you drugs when you were  
24 incarcerated together at the Metropolitan Detention  
25 Center?



1 A. We all share drugs, sure.

2 Q. So is that, yes, he did bring in drugs and  
3 share them with you while you were in the  
4 Metropolitan Detention Center?

5 A. I don't know if he brought them in, but he  
6 gave me some drugs, and I gave him some, too. I'm  
7 just trying to tell the truth, you know. I'm not  
8 trying --

9 Q. Sure. I appreciate that, Mr. Romero. So  
10 my understanding is: You don't know whether he  
11 brought in the drugs, but he did give you drugs; is  
12 that fair?

13 A. Yes.

14 Q. And I want to talk to you about Billy  
15 Garcia. You talked about him yesterday. Do you see  
16 Mr. Garcia in the courtroom?

17 A. Yes.

18 Q. And what is he wearing?

19 A. Tan. He raised his hand. He's a comedian  
20 like that sometimes.

21 Q. Tell us about your relationship with  
22 Mr. Garcia.

23 A. Up to this point we've been pretty close,  
24 you know, all through the -- all through the  
25 struggles that we've been through in the SNM. It's

1 just been one big struggle going through it, you  
2 know. It's built on lies and, you know, we're a  
3 product of our environment. And I feel for him  
4 right now, but you know, what can I say? You know,  
5 we make our bed and we got to lay in it, just like I  
6 did, you know.

7 Q. So it sounds like you consider yourself  
8 close with Mr. Garcia?

9 A. I did consider myself close with him. And  
10 I still do. But I'm pretty sure he's pretty pissed  
11 off at me right now.

12 Q. In terms of the SNM, is it fair to say  
13 that he was one of the ones who fell on your side  
14 and supported you through the Styx --

15 A. He got thrown under the bus like everybody  
16 who said, "That's personal, that's between you and  
17 Julian." Yeah, he got thrown under the bus. He got  
18 it. He got some shit over that. Excuse my  
19 language.

20 Q. That's fine, Mr. Romero. So thrown under  
21 the bus, I think you were talking earlier about how  
22 those who vocally supported you were on the outside  
23 with the SNM Gang. Is that what happened to you and  
24 Mr. Garcia?

25 A. Yes.

1 Q. Were you incarcerated with Mr. Garcia at  
2 the Penitentiary of New Mexico North facility around  
3 2008?

4 A. Yeah, he drove up from county jail.

5 Q. Did you have conversations with Mr. Romero  
6 (sic) --

7 A. We met briefly one time in the yard and we  
8 talked.

9 Q. Can we have Exhibit 828, please. Exhibit  
10 828 here, this is the aerial view of the  
11 Penitentiary of New Mexico. When you said you were  
12 talking together in the yard, where were you when  
13 you were talking together?

14 A. Okay, we were in 1-A. We were in the A  
15 section, so probably it's on top right here.

16 Q. You can touch the screen and circle it.

17 A. I think it's this one right here, probably  
18 this right here.

19 Q. And where is the yard that you were  
20 talking in?

21 A. Where is the yard?

22 Q. Yeah.

23 A. It's to the right of 1-A.

24 Q. Is that these cages here that I circled in  
25 red?

1 A. Oh yeah. It's right there, yeah.

2 Q. Is that also called Jurassic Park?

3 A. Yes, that's what they call Jurassic Park.  
4 Caged like animals.

5 Q. During this conversation with Mr. Garcia,  
6 did he talk about Leonard Lujan?

7 A. Yes, he talked about Leonard Lujan.

8 Q. What did he say about Leonard Lujan?

9 A. He said, "Man, hey, Julian, Leonard Lujan,  
10 he helped me out. He's there for me, you know, when  
11 Styx was trying to tear" --

12 MR. COOPER: Your Honor, objection. May  
13 we approach?

14 THE COURT: You may.

15 (The following proceedings were held at  
16 the bench.)

17 MR. COOPER: Judge, first off, I would  
18 object on hearsay grounds. Also, we have not  
19 received any discovery with regard to this  
20 particular incident. So I would object to Mr.  
21 Romero taking the stand and talking about something  
22 that we've never seen.

23 MR. BECK: This discussion was produced  
24 probably in the same -- I expect in the same 302  
25 that included the Troup drug incident, since that's

1 when I indicated he said that he and Billy Garcia --

2 THE COURT: On March 28?

3 MR. BECK: March 28, right.

4 THE COURT: You think it's in that same  
5 302?

6 MR. BECK: Yeah. He talks about Leonard  
7 Lujan, and he talks about he and Mr. Garcia saying  
8 they're not going to do anything for the gang  
9 anymore, since they're done with it. And he talks  
10 about the incident.

11 THE COURT: What would be the hearsay  
12 objection?

13 MR. COOPER: That he's telling what  
14 Leonard Lujan had to say.

15 THE COURT: Well, you're not interested in  
16 what Leonard Lujan was saying; you're just  
17 interested in -- can you just lead him through this?

18 MR. BECK: Sure.

19 THE COURT: And are you now satisfied  
20 about --

21 MR. COOPER: I'm not, because I don't  
22 believe that document discusses this particular  
23 incident. I've seen that document, but I don't --

24 THE COURT: The only portion of the 302 I  
25 have is -- I don't think that Mr. Troup attached it.

1 MR. COOPER: While you're looking at that,  
2 Your Honor, may I grab my copy?

3 THE COURT: I don't think anybody gave me  
4 a copy of this 302. Do you?

5 MR. BECK: I don't think so.

6 THE COURT: Mr. Burke just printed out  
7 what he wanted me to look at.

8 MR. COOPER: This is the one you're  
9 talking about.

10 MR. BECK: Yeah. I don't think it's that  
11 one. Oh, yeah, "Garcia said Leonard Lujan."

12 MR. COOPER: All this says is that Leonard  
13 Lujan was a good dude, helped him out, but turned  
14 State's evidence. I'm afraid that they're going to  
15 go beyond this statement. We don't know when that  
16 was.

17 THE COURT: Is that all you want to get  
18 out of him?

19 MR. BECK: That's all I know.

20 THE COURT: Why don't you just lead him  
21 through it? I'll just tell him yes/no questions.

22 MR. BECK: Sure.

23 MR. COOPER: That will be fine.

24 MR. BLACKBURN: May I, Judge? I know that  
25 Mr. Beck is doing a good job presenting the direct

1 on him, but he is making comments.

2 THE COURT: The witness is?

3 MR. BLACKBURN: No, Mr. Beck is commenting  
4 on -- sort of like, "Okay, it's okay, you're doing  
5 good."

6 THE COURT: You might watch that, too.  
7 Don't be praising him, because that's -- I don't  
8 think it's good for you, really. I don't think it's  
9 good for the Government to be --

10 MR. BECK: Sure.

11 THE COURT: -- telling him he's doing  
12 good. That makes him look like he's performing for  
13 you. But that's your business.

14 MR. BLACKBURN: Okay, do it again.

15 THE COURT: On the other hand, I think  
16 it's a proper objection.

17 MR. BECK: I'm just saying if you want to  
18 see other interactions, he's doing really good.

19 THE COURT: I'll sustain that as to the  
20 comments.

21 MR. BLACKBURN: Thank you.

22 (The following proceedings were held in  
23 open court.)

24 THE COURT: Mr. Romero, Mr. Beck is going  
25 to ask you about two or three questions, I think,

1 here. Just answer them yes or no, if you can do  
2 that truthfully, and not give any additional  
3 information. If you can't answer yes or no  
4 truthfully, then you'll have to tell Mr. Beck. But  
5 on these questions right here, rather than  
6 volunteering any information, just listen to his  
7 questions and see if you can answer them correctly  
8 and honestly with yes/no answers.

9 A. Right, Your Honor.

10 THE COURT: Mr. Beck.

11 BY MR. BECK:

12 Q. Mr. Romero, we were talking about the  
13 conversation that you had with Mr. Garcia in the  
14 yard. Did he -- and he talked to you about Leonard  
15 Lujan in that conversation; right?

16 A. Yes, he did.

17 Q. And he said to you that Leonard Lujan was  
18 a good dude? Did he say that?

19 A. Yes.

20 Q. That he had helped him out?

21 A. Yes.

22 Q. And that he was on his side?

23 A. Yes, he did.

24 Q. Meaning that Leonard Lujan was on Billy  
25 Garcia's side?



1 A. Yes.

2 Q. And I'll probably help you through this  
3 part, as well, for the same reason. In the same  
4 conversation with Mr. Garcia in the yard at the  
5 North, did he also talk about a meeting with Gerald  
6 Archuleta, or Styx, while he was on the street?

7 A. Yes.

8 Q. Did he tell you that a gentleman named  
9 Chris Garcia took Billy Garcia over to Gerald  
10 Archuleta's house?

11 A. Yes.

12 Q. And did he tell you that he and Gerald  
13 Archuleta talked about your issue with Gerald  
14 Archuleta and he told Mr. Archuleta it was a  
15 personal beef?

16 A. Yes, that's what he told me.

17 Q. In this conversation where he talked about  
18 the way that you both had been, I think your words  
19 are, thrown under the bus by the SNM --

20 A. Yes.

21 Q. -- and Mr. Archuleta -- or excuse me,  
22 Mr. Garcia said that you two had already been  
23 high-ranking members and you weren't going to do  
24 this kind of stuff anymore?

25 A. Yeah, we were tired of it. We're still

1 tired of it, yes, sir.

2 Q. And so you said that, "You and I have  
3 already been high-ranking members. We're tired of  
4 it. We're not going to do this kind of stuff  
5 anymore"; is that right?

6 A. Yes.

7 MR. BECK: May I have a moment, Your  
8 Honor?

9 THE COURT: You may.

10 MR. BECK: Pass the witness, Your Honor.

11 THE COURT: Thank you, Mr. Beck.

12 Mr. Cooper, do you have cross-examination  
13 of Mr. Romero?

14 MR. COOPER: I do, Your Honor.

15 THE COURT: Mr. Cooper.

16 RECROSS-EXAMINATION

17 BY MR. COOPER:

18 Q. Good morning, Julian. How are you doing  
19 today?

20 A. All right.

21 Q. Good. We've met before, haven't we?

22 A. Yes. And I'm sorry I didn't go to your  
23 office that day.

24 Q. That's fine. Don't worry. I understand  
25 why you didn't.

1           A minute ago you told Mr. Beck about the  
2 conversation between you and Billy where you  
3 discussed Leonard Lujan.

4           A.     Yes.

5           Q.     Okay, and Billy told you that he had  
6 helped Leonard in the past, right, and he was a good  
7 dude?

8           A.     Yeah, that's what he said.   Yeah.

9           Q.     Okay, and then Leonard turned State's  
10 witness and decided to cooperate?

11          A.     Yes.

12          Q.     Okay.   So Angel Munoz was the jefe, no?

13          A.     Yes, he was after Juan.   Yes, he was.

14          Q.     After Juan.   So when Juan went Christian,  
15 is what the S calls it, right -- when you find the  
16 Lord and you want to walk away from all of the gang  
17 life, you go Christian; right?   And that's what he  
18 did; correct?

19          A.     Yes, yes.

20          Q.     You said some people think that that  
21 should not happen?

22          A.     Yeah, some people don't like that.

23          Q.     And there are other people that say, "Yes,  
24 that's one of the ways to get out of the gang";  
25 right?

1 A. I would say that, yeah.

2 Q. Back in 2000, 2001, at about the time that  
3 you got out -- remember when you got out?

4 A. Yes.

5 Q. In September of 2000; right?

6 A. Yes.

7 Q. When you got out, who was running the S?

8 A. In 2000?

9 Q. It was Angel.

10 A. Yeah, it was Angel at that time.

11 Q. But Angel was on the streets; right?

12 A. Right.

13 Q. Now, Angel died in maybe 2003 or '04; do  
14 you recall?

15 A. Yes, it was around that time.

16 Q. And how did he die?

17 A. He smuggled in some drugs in balloons.

18 Q. Okay.

19 A. And they opened up in his stomach and he  
20 OD'd.

21 Q. Okay. And he had put out the word that,  
22 "When I'm gone, it's Styx's"; right?

23 A. That's right.

24 Q. So he turned the S over to Styx. He says,  
25 "When I die, Styx is going to run it"?

1 A. Yes.

2 Q. And Styx is Gerald Archuleta?

3 A. Yes, he is.

4 Q. And Gerald Archuleta was married -- or was  
5 it just his old lady, his girlfriend?

6 A. No, he was married.

7 Q. He was married. And what was his wife's  
8 name?

9 A. Lilly Segura.

10 Q. Does she also go by Mary?

11 A. Mary Lilly Segura.

12 Q. And you now just call her Lilly; right?

13 A. My wife, Lilly, yes.

14 Q. So when you got out -- let me back up. So  
15 Angel was the jefe. He oversaw everything in the S.  
16 If somebody wanted a hit on somebody, it had to go  
17 through Angel; right?

18 A. That's what we all agreed upon, yes.

19 Q. And in those days, when Angel was running  
20 the show, there was really no need for a tabla;  
21 right?

22 A. No, not in those days.

23 Q. In those days, back in the days when Juan  
24 was running the show, there was no tabla?

25 A. No.

1 Q. Juan was the jefe; he was the top dog; he  
2 was the main guy; he was running the show?

3 A. He made all the decisions, mostly.

4 Q. And I just realized that as I asked each  
5 one of those questions, you were nodding your head  
6 yes?

7 A. Yes.

8 Q. So he was the jefe?

9 A. Yes.

10 Q. He was running the show?

11 A. Yes.

12 Q. He was the top dog?

13 A. Right.

14 Q. And everybody listened to Juan?

15 A. Yes, they did.

16 Q. And people -- there was no need for a  
17 tabla when you had a strong leader like Juan; right?

18 A. When there was a strong leader like Juan,  
19 we didn't need a tabla.

20 Q. Now, you were in custody back at the  
21 Bernalillo County Detention Center, and one day  
22 somebody came to see you and said, "Why don't you  
23 come upstairs? This guy wants to talk to you." And  
24 you went and you talked to Juan Baca; right?

25 A. Yes.

1 Q. And he shared some heroin with you?

2 A. Yes.

3 Q. And you were a young guy; you were not  
4 even 21 years old yet, were you?

5 A. I was, like, 22 at the time.

6 Q. 22?

7 A. No, 21. I was 21.

8 Q. You spent the 21st birthday in --

9 A. The prison riot.

10 Q. -- the prison riot. So this was after  
11 those prison riots that you're at BCDC, and somebody  
12 comes to you and says that Juan Baca wants to talk  
13 to you?

14 A. Yes.

15 Q. Did you know who Juan was?

16 A. No, I didn't. I --

17 Q. You had heard of him?

18 A. Yeah, I had heard of him. But I didn't  
19 really know -- I had never talked to him. I just  
20 knew who Juan Baca was, you know.

21 Q. He knew who you were, too, no?

22 A. He was studying me, yes. He knew who I  
23 was.

24 Q. And was Juan from Barelbas?

25 A. He was from the Old Barelbas. There was a

1 Barelas where we're at now originally, and then it  
2 used to be across the bridge, and that got torn  
3 down; they made the Hispanic Center and all that  
4 stuff that's right there on 4th and Bridge in  
5 Albuquerque.

6 Q. You know, we're in Las Cruces right now  
7 doing this trial; we're not in Albuquerque. I'm  
8 from Albuquerque, you're from Albuquerque.

9 A. Yes.

10 Q. So we know Barelas; right? We know  
11 where -- I'll tell you that I know where Barelas is.  
12 I know where the National Hispanic Cultural Center  
13 is located. I know what we're talking about. But  
14 Barelas is a neighborhood; right?

15 A. Yes, it's a neighborhood.

16 Q. And it's a neighborhood that's roughly  
17 bounded by, on the north, maybe Central; on the  
18 south, maybe, Bridge. And then from maybe 2nd on  
19 the east to -- how far do you think? 12th, 18th,  
20 the river?

21 A. The river, because after the river, it's  
22 the other side.

23 Q. And Five Points or other places; right?

24 A. Right.

25 Q. So Barelas runs from 2nd Street west to



1 the Rio Grande River?

2 A. Right.

3 Q. And from downtown Central, right in the  
4 middle of downtown --

5 A. To Bridge.

6 Q. -- to Bridge. And Old Barelvas was a  
7 little bit south of Bridge.

8 A. Right.

9 Q. Right?

10 A. Right.

11 Q. And if anybody has been to the Barelvas  
12 Coffee House, it's there on 4th and almost Bridge;  
13 right?

14 A. Yes.

15 Q. And that's in Barelvas?

16 A. Right.

17 Q. And so you grew up in that neighborhood;  
18 right?

19 A. Yes, I did.

20 Q. And Juan did, but he was a little older  
21 than you?

22 A. Right.

23 Q. Right?

24 A. Right.

25 Q. And when Juan saw you, he saw somebody

1 that was -- that got along with everybody. You were  
2 very charismatic as a young man; probably still are;  
3 right?

4 A. I don't know about now, but when I was  
5 young, I was kind of hyper and running around.

6 Q. You were very athletic; right?

7 A. Yes.

8 Q. You played on the baseball team at the  
9 prison?

10 A. Yes.

11 Q. You were an infielder?

12 A. I was a left fielder and central field.

13 Q. Could you hit?

14 A. I was the first one to hit. I would take  
15 first base, second, round off third, and dive into  
16 third base.

17 Q. So you were fast, too?

18 A. I was pretty fast.

19 Q. So Juan Baca sees you, he recruits you,  
20 wants you to go help start what's going to be the  
21 SNM; right?

22 A. The agenda, yes.

23 Q. And at the time that he recruited those --  
24 or you went and talked to the other guys, and the  
25 eight of you started the S, the Sindicato, you did

1 the artwork?

2 A. Yes, I explained to the district attorney  
3 that, yes.

4 Q. So because of all that, because of your  
5 relationship with Juan, because you were one of the  
6 original eight, you were a pretty powerful guy?

7 A. Um --

8 Q. Very well-respected guy?

9 A. I don't know about respected, but fear  
10 sort of -- fear and respect are crossed in some way  
11 that, yeah. It's a fine line between fear and  
12 respect, you know. I thought it was respect, but  
13 there was, like, you know, they didn't want to mess  
14 around, because they knew they didn't want to mess  
15 around with the S. That was behind me, too. That  
16 wasn't just me.

17 Q. It wasn't just you, but you were a  
18 high-ranking and pretty powerful member of the S.

19 A. I was out in population for Juan and  
20 Angel.

21 Q. So you were just under Juan and Angel?

22 A. Yes.

23 Q. And you and Billy had been good friends  
24 since the time you met him when at PNM?

25 A. Yes.

1 Q. You like Billy?

2 A. Yeah, I like Billy a lot.

3 Q. And Billy liked you a lot?

4 A. Yeah, sure.

5 Q. Billy still likes you; you still like  
6 Billy?

7 A. Well, like I said, he's pretty pissed off  
8 at me. But, yeah, I still like Billy.

9 Q. We all do what we have to do; right?

10 A. That's how it is, man; we've all got to do  
11 what we got to do.

12 Q. So when you got discharged on September 7,  
13 2000, you were released and soon thereafter you met  
14 Lilly; or did you know Lilly from before?

15 A. No, I didn't.

16 Q. Okay. You met her?

17 A. Through Gerald Archuleta.

18 Q. And Gerald was in prison, wasn't he, or  
19 maybe at MDC?

20 A. We met on the streets, me and Gerald.  
21 Well, we met in prison, but I think he was on the  
22 streets, too, at that time. When I met Lilly, I met  
23 her through Gerald Archuleta. He introduced me to  
24 his wife, Lilly.

25 Q. And you started seeing -- and Gerald goes

1 back to prison, you start seeing Lilly; right?

2 A. I started hanging around with her, yes.

3 Q. You started hanging around with her, and  
4 17 years later you're still married to her, no?

5 A. More like 18, but I'm married for eight  
6 years.

7 Q. But you've been with her since the  
8 beginning.

9 A. Right.

10 Q. Styx wasn't happy with you, was he?

11 A. No, of course not.

12 Q. No. And the minute he found out, he put a  
13 hit on you, didn't he?

14 A. Yes.

15 Q. He was very angry with you, and he was  
16 very angry with anybody who supported you; right?

17 A. Right.

18 Q. And Billy was probably your biggest and  
19 strongest supporter back in those days, wasn't he?

20 A. Yes.

21 Q. And you were probably one of Billy's  
22 biggest and strongest supporters.

23 A. Yes.

24 Q. And Styx wanted you dead.

25 A. He wanted me dead, yes.

1 Q. Styx wanted Billy dead, didn't he?

2 A. If he's going to back me up, he wanted  
3 Billy out of the way, too. He wanted any opposition  
4 to his agenda out of the way.

5 Q. You've heard the term: If you're not with  
6 me, you're against me?

7 A. Of course.

8 Q. And that's what -- that's what Gerald felt  
9 at that time; right?

10 A. That's what he was going around saying:  
11 "If you're not with me, you're against me."

12 Q. "If you're not with me, you're against  
13 me"; right?

14 A. That's what he was going around saying.

15 Q. And there were a lot of youngsters by  
16 then. You and Billy were getting up in age a little  
17 bit?

18 A. Um-hum.

19 Q. You'd been with the S for a long time?

20 A. Yes.

21 Q. You guys were getting old, getting tired?

22 A. Right. We'd been through everything  
23 already.

24 Q. But all these young guys, you know, they  
25 wanted to go do their thing; right?

1 A. Right.

2 Q. And those young guys sided with Styx?

3 A. A lot of them did, yes.

4 Q. A lot of them did. And a lot of the  
5 little viejitos went with Styx, too; right?

6 A. If I was on the tier, they would play off  
7 of me. If Styx was on the tier, they would play off  
8 of him. But a lot of them did go with Styx, too.

9 Q. And almost everybody from Barelas stayed  
10 with you on your side?

11 A. No. Well, you said almost everybody,  
12 yeah.

13 Q. Almost. His followers included Mario  
14 Rodriguez, Blue. He was a Styx guy; right?

15 A. Yes.

16 Q. Frederico Munoz, Playboy?

17 A. Right.

18 Q. He was a Styx guy. Baby Rob Martinez went  
19 with Styx?

20 A. Um-hum.

21 Q. Roy Martinez, Shadow, went with Styx?

22 A. Right.

23 Q. Vincent Garduno, Fatal, Styx?

24 A. Right.

25 Q. Fred Quintana went with Styx?

1 A. Right.

2 Q. Big Jake, Manuel Jacob Armijo, went with  
3 Styx; right?

4 A. He did, yes.

5 Q. Was Big Jake from Barelvas? I forget.

6 A. I never met him in Barelvas, but he claimed  
7 to be from Barelvas.

8 Q. But he went with Styx.

9 A. Yes, he did.

10 Q. So all those guys -- and those guys are a  
11 bunch of killers, aren't they?

12 A. They did what they had to do, yes.

13 Q. Yeah. Frederico Munoz you know had two  
14 murders, at least that we know of; right?

15 A. Yes.

16 Q. Well, anyway, they were all fairly violent  
17 people and they went with Styx?

18 A. Yes.

19 Q. And you had some people that went with  
20 you, but the majority you would say were Styx  
21 followers?

22 A. Like I said, yeah, they were Styx  
23 followers. Styx was in prison, I was in the  
24 streets. So there was Styx, he was getting drugs,  
25 and drugs had a lot of influence so they're, like,



1 going siding with Styx so they can get drugs and  
2 playing it off and stuff like that. But yeah, a lot  
3 of people went with Styx.

4 Q. So in March of 2003, Freddie Munoz and  
5 Shamon Pacheco drive up to your house. You're  
6 getting in and out of your car. Lilly is with you.  
7 You start walking to Frederico, because, "Hey,  
8 carnal." And you start walking towards him. Lilly  
9 yells, "He's got a gun"; right? And you run. He  
10 shoots you. It's only because he was a bad shot, or  
11 something distracted him, that he didn't kill you  
12 that day; right?

13 A. I always say that he probably had the gun  
14 sideways instead of aiming right. Obviously, he was  
15 probably shooting sideways, like that, trying to be  
16 gangster, or whatever. But 30 rounds, man, at 30  
17 feet, that's a pretty bad shot.

18 Q. You're lucky, no?

19 A. I don't know why he didn't just shoot me  
20 in the forehead, came after me and shot me in the  
21 forehead. That's what I would have done, if I want  
22 to take out somebody, not walk up and shoot the  
23 whole pad down and take out innocent people.

24 Q. And that was a Styx hit on you?

25 A. Yes.

1 Q. There were other ways that Styx tried to  
2 get you; right? Do you remember a time when he  
3 fabricated some paperwork to try to tell people that  
4 you were an informant?

5 A. It wasn't fabricated. There is another  
6 Julian Romero, but he is much younger than me. But  
7 his little followers and Styx -- they knew it was  
8 the other guy, but that's where a lot of people  
9 threw me under the bus and said, "Julian Romero,  
10 there's paperwork on him; we can't back him."

11 And I was, like, I don't even know that  
12 guy named Frank, whatever was the paperwork out  
13 there. I didn't even know what he was, you know. I  
14 came to find out that it was another Julian Romero.  
15 But yeah, he tried to fabricate, you know.

16 Q. He tried to use that paperwork to get you  
17 killed.

18 A. Right.

19 Q. And it didn't stop there. Later on he got  
20 Conrad Villegas in 2015 to hit you -- or the green  
21 light was still on you in 2015, don't you think?

22 A. Now that I come to see it, yes. But you  
23 know, in the yard, like, I would do that, too, you  
24 know. I play it off. "Oh, no, don't worry about  
25 it," even though I had intentions of hitting

1 somebody. It was just, like, you know, I don't even  
2 know if surprise is an element, but they always say  
3 surprise is the best element, and I always had that  
4 with me. But I got caught off guard, and --

5 Q. By a man that was 20 or 30 years younger  
6 than you?

7 A. Right. And I wasn't even looking at him.  
8 I would have did the same thing, you know, surprise.

9 Q. Once somebody puts a green light on  
10 somebody else, it stays there until the leader calls  
11 it off, or does it stay there until the person is  
12 dead?

13 A. It's there until the person is dead, you  
14 know. I still look over my shoulder. I still watch  
15 out what I'm doing. It could come any way, you  
16 know.

17 Q. And so because Styx in 2000 put this green  
18 light on you and you're still alive today, there's  
19 probably still a green light on you, and that's why  
20 you're looking over your shoulder?

21 A. That's fair to say, yes.

22 Q. You're an old-timer; would you agree?

23 A. 59 years old. Old-timer.

24 Q. There was some talk about "Out with the  
25 old, in with the new"?

1 A. I've heard that.

2 Q. You heard that. What's that about?

3 A. It's a dumb thing, taking out the roots  
4 and going on your own agenda, because anybody knows  
5 a house divided will fall, you know, and that's what  
6 Styx is unintentionally doing. He's dividing it.  
7 And a lot of people were going with it because it  
8 was a smoke screen and people were getting in just  
9 to get in for the drugs, you know, and for  
10 protection or whatever their agenda was. But people  
11 were getting in, you know, and it was the thing to  
12 do. And like I said, it was for the squina. That's  
13 for -- to have backup, and for the drugs, or  
14 whatever it was. And some were solid, you know,  
15 some wanted blood in and blood out, and stuff like  
16 that.

17 But the majority would get in, you know, I  
18 don't know, I don't understand why or nothing; they  
19 weren't going with the rules that were set from the  
20 beginning. They're making up rules as they went  
21 along, and it was all over drugs at that time.

22 Q. Okay. So let me stop you there. So would  
23 you say the house now has fallen?

24 A. I would say it's divided. And you can't  
25 trust nobody anymore. Even the -- you know, the

1 defendants, like I said, you know, I feel for them.  
2 I'm here giving my story. I'm throwing myself under  
3 the bus, too. I'm not saying I'm above anything,  
4 but I have to answer for -- excuse me for going on  
5 like this, but I want to explain, if nobody will  
6 object. But if I don't answer to my wrongs, I'll  
7 never move on. And I want to move on, you know. I  
8 am leaving this earth pretty soon. Go on. I'm  
9 rambling over here.

10 Q. That's okay. That's okay. I know that  
11 you wanted to tell your story. I remember when you  
12 first -- I remember reading documents about when you  
13 first had a discussion with Agent Acee, you told him  
14 that you wanted to tell your story, but you weren't  
15 going to tell any secondhand stories.

16 A. He didn't want secondhand stories. He  
17 told me, "We want your story, we want to know how  
18 the S formed and history," and he's been straight  
19 with me. I can't throw him under the bus, either.

20 Q. So in 2015, it was March that you were  
21 attacked; is that right? March of 2015 you got  
22 attacked by Conrad Villegas?

23 A. Yes.

24 Q. And you were still in custody after that.  
25 You went to the hospital, and we saw the pictures,

1 and they're really bad. But you went to the  
2 hospital. Eventually you went back to Southern?

3 A. Right.

4 Q. Did you make the decision to change and  
5 leave the S?

6 A. I made the decision not to -- like I said,  
7 you die SNM. No matter if you leave it or whatever,  
8 you're still going to be SNM, because you sold your  
9 soul to the devil, and you got into it. I thought  
10 it was a good thing at the beginning. But, yeah,  
11 you know, I decided, you know, I'm not going to  
12 trust nobody no more. And --

13 Q. And in fact, you started having those  
14 thoughts back in 2005 and 2006; right?

15 A. Oh, yeah; before that, even.

16 Q. Before that, even. And you shared those  
17 thoughts with Billy?

18 A. We shared a lot of thoughts together, yes.

19 Q. Okay. And Billy would talk to you about  
20 things that were really personal and close to him,  
21 wouldn't he?

22 A. Yes, he would.

23 Q. And would you say you were one of Billy's  
24 best friends in the S?

25 A. Yes.

1 Q. Okay. So he would share with you things  
2 that he probably wouldn't share with any of these  
3 other people sitting in this courtroom; right?

4 A. I would say we had some things that we  
5 kept to each other, yes.

6 Q. Billy never told you that he had any --

7 MR. BECK: Objection, Your Honor.  
8 Hearsay.

9 THE COURT: Well, you can't elicit what  
10 Mr. Garcia said. So sustained.

11 MR. COOPER: Thank you.

12 BY MR. COOPER:

13 Q. So in -- so you had those thoughts in 2005  
14 and 2006 and you talked with Billy about how you  
15 didn't want to do this stuff anymore. But it wasn't  
16 until 2015 when you actually had your first  
17 discussion with Agent Acee; correct?

18 A. Yes.

19 Q. Okay. Can you tell me how that came to  
20 be, how that happened? Did he come talk to you?

21 A. I fell into the county jail, and I talked  
22 to an agent named Tom. I don't know his last name.  
23 I talked to him and --

24 Q. And why did you fall into the county jail?

25 A. At that time I was doing some shards --

1 it's speed. And my little grandson hit me with a  
2 shovel in the back of the head because I didn't give  
3 him the hose. And he's a little spoiled guy.

4 Q. You didn't give him what?

5 A. I didn't give him the hose to wet people.  
6 And it was somebody's else turn. And I started  
7 sweeping. He hit me with a shovel. I didn't  
8 think -- I was sweeping, and he hit me with a shovel  
9 in the back of my head. And I got the broom and I  
10 just shoved him with it. And he hyperventilated and  
11 ran inside and they called the ambulance. And you  
12 know, it was just a little thing like that. So I  
13 went to the county jail.

14 Q. And when you were in the county jail,  
15 Tom -- is that the FBI Agent, Tom, Tom Neale?

16 A. Yes.

17 Q. And did he come talk to you?

18 A. Yes, he came and talked to me.

19 Q. Did you ask to talk to him, or did he  
20 learn that you were there and he went and saw you  
21 and pulled you out?

22 A. I knew eventually they were going to come  
23 to my house and do the same things they were doing  
24 to everybody. I knew that I was not innocent in  
25 anything, you know. I knew that I was an



1 original -- I heard it before, and I knew that I was  
2 eventually going to get dealt with, you know.

3 Q. Did you have any reason to believe that  
4 there was a racketeering indictment coming down the  
5 road?

6 A. Well, of course, yeah. I've studied the  
7 racketeering law. It's been a long time.

8 Q. In fact, on July 21, 2005, you met with  
9 Task Force Officer Dan Mangen at PNM, and you were  
10 discussing with him, I think, the Styx situation?

11 A. Right.

12 Q. And you told him that, "You know, I'm no  
13 angel, and I probably should have been charged with  
14 the RICO Act a long time ago"? Do you remember?

15 A. He told you about that, yeah. I stood  
16 strong there, you know. I was, like, you know, I'm  
17 going to go down if I have to. If I get dealt with  
18 it, it's my thing, you know. I stood with it.

19 Q. So did Agent Neale tell you that there was  
20 going to be a racketeering indictment?

21 A. Well, he didn't tell me, like, in a mean  
22 way, or anything. He told me --

23 Q. No, I --

24 A. -- "you're going to have to answer for  
25 those, for what you've done to -- to innocent people

1 and stuff, you know."

2 And you know, I did it, too. We had a  
3 discussion there, and I always said from the  
4 beginning to Tom and to Bryan, I always said: "I'll  
5 tell my story. I'll tell the story about the SNM,  
6 but I want to tell the truth about it, and I don't  
7 want to make myself look like I'm innocent. I want  
8 to make it -- I want the people to have closure on  
9 what's going on with the families," because it's not  
10 just us doing time; it's our families, you know.  
11 And that's what we discussed in there.

12 So I said, so if I can tell my story, and  
13 he agreed to it. He said, "Sure. We want to hear  
14 the story. We want to make everybody accountable  
15 for their actions, you know."

16 And I said, "Okay, then I'll go along with  
17 it."

18 THE COURT: Mr. Cooper, would this be a  
19 good time for us to take our morning break?

20 MR. COOPER: It would, Your Honor.

21 THE COURT: I know the jury has only been  
22 here about an hour, but we had started 30 minutes  
23 before discussing some issues, and I need to give  
24 Ms. Bean a break. So we'll be in recess for about  
25 15 minutes. All rise.

1 (The jury left the courtroom.)

2 THE COURT: All right. We'll be in recess  
3 for about 15 minutes.

4 (The Court stood in recess.)

5 THE COURT: Let's go on the record. I  
6 think we've got all the defendants, an attorney for  
7 each of the defendants.

8 Mr. Cooper, your question that I  
9 sustained, Mr. Beck's objection, is the answer you  
10 expect to be no, that Mr. Billy Garcia was silent on  
11 matters? Is that -- you're expecting the answer to  
12 that question to be no?

13 MR. COOPER: I forgot what the question  
14 was, Your Honor.

15 THE COURT: Well, you were asking: "Billy  
16 never told you that he had any" -- and that's when  
17 the objection came. If you expect the answer to  
18 that question to be "No" -- the question before it  
19 was --

20 MR. COOPER: Yes, I do.

21 THE COURT: Then, if Billy Garcia was  
22 silent on a matter, that isn't a statement, unless  
23 the silence was intended as an assertion. And I  
24 can't think of how that would be. So if Mr. Billy  
25 Garcia didn't say anything about the murders to

1 Mr. Romero, then it probably isn't hearsay. So if  
2 you want to ask that question, and if the answer is  
3 no, if you want to lead him and get a no answer,  
4 then I'll let you ask that question and not sustain  
5 any objection to it.

6 MR. COOPER: Okay. Thank you.

7 MR. BECK: I think that's right.

8 THE COURT: Okay. I'm going to go ahead  
9 and produce the criminal history, Mr. Castle. So I  
10 am going to produce that, and the PSRs. I'm also  
11 going to probably give you some medical. I may not  
12 give you all the drugs, unless I think it has some  
13 psychotropic effect. So if it's just regular  
14 medicine, I'm not going to probably produce that.  
15 But you may get some medical information.

16 MR. CASTLE: Thank you, Your Honor.

17 THE COURT: Let me ask -- I'll ask this of  
18 Ms. Bevel. How should we do this? Should I just  
19 hand this to you? Should I just file it on CM/ECF  
20 and you pull it off? Anybody got any thoughts?  
21 Mr. Beck?

22 MR. BECK: Yeah, I think the problem with  
23 CM/ECF is it goes on the tablets, and sealed. So I  
24 think probably the best way to do it is just to hand  
25 it over.

1 THE COURT: Does that work for the  
2 defendants?

3 MR. SINDEL: I agree with Mr. Beck.

4 THE COURT: Why don't I do this, then: I  
5 will make copies, hand it to you; I'll make one set  
6 and hand it to Ms. Gilbert and she can get it  
7 available to you. And then I will attach as Exhibit  
8 7 to the clerk's minutes what I'm producing. Does  
9 that work for everybody?

10 MR. SINDEL: Yes, Your Honor.

11 THE COURT: Mr. Beck, does that work for  
12 you?

13 MR. BECK: Yes, Your Honor.

14 THE COURT: So we'll go that route. All  
15 right.

16 THE CLERK: They're ready, Judge.

17 THE COURT: All rise.

18 (The jury entered the courtroom.)

19 THE COURT: All right. Everyone be  
20 seated.

21 All right. Mr. Romero, I'll remind you  
22 that you're still under oath.

23 Mr. Cooper, if you wish to continue your  
24 cross-examination of Mr. Romero, you may do so at  
25 this time.

1 MR. COOPER: Thank you, Your Honor.

2 THE COURT: Mr. Cooper.

3 BY MR. COOPER:

4 Q. So Julian, before the break we were  
5 talking about your decision to cooperate, how you  
6 came to that decision. And you spoke with Agent  
7 Neale, and he told you that there was probably a  
8 racketeering charge coming down; right?

9 A. Yes.

10 Q. And you knew what the RICO Act was from  
11 back as early as 2005, 2006, because you were  
12 talking about it to the task force officer; correct?

13 A. Yes, I knew there was going to be a RICO  
14 Act. They told me.

15 Q. They told you: "We're coming for you, for  
16 the S"?

17 A. Well, they told me: "Do you want to  
18 cooperate?"

19 And I told them: "No, I'm guilty as  
20 everybody else. I'm not cooperating." And that was  
21 in 2006.

22 Q. Now, you had a number of conversations  
23 with Agent Neale and Agent Acee; correct --

24 A. Yes.

25 Q. -- once you decided to cooperate? And

1 during those discussions with the agents, you  
2 learned that the VICAR case, the murders  
3 resulting -- the murders, the violent crimes in aid  
4 of racketeering, could be death penalty cases;  
5 right? You knew that?

6 A. Yes, I knew that.

7 Q. And you knew that if death was not what  
8 the Government was seeking, that it would then  
9 certainly be a life sentence without parole, if you  
10 were convicted; correct?

11 A. Yes.

12 Q. So the federal system is different than  
13 state. In the state system, you've got to --

14 MR. BECK: Objection, Your Honor,  
15 foundation.

16 MR. COOPER: Okay.

17 BY MR. COOPER:

18 Q. You've never been convicted of -- let me  
19 back up. Did you hear that -- during your  
20 discussions with the Government agents, you learned  
21 that these are pretty heavy charges; right?

22 A. Racketeering?

23 Q. Racketeering.

24 A. Yes.

25 Q. Okay. You never got charged with either

1 the RICO indictment or the violent crime in aid of  
2 racketeering indictment, did you?

3 A. No, I never got charged.

4 Q. And you know that, had you been charged  
5 with -- in either of those indictments, you'd be  
6 looking at a mandatory life imprisonment; correct?  
7 If you got convicted?

8 A. I think the timeframe was 22 to 30 years.  
9 Yeah, life. It would be my life.

10 Q. Okay. So if you were given a  
11 22-to-30-year sentence as a 57 -- how old are you?  
12 59?

13 A. Yes.

14 Q. Or -7?

15 A. 59.

16 Q. I was trying to help you out here,  
17 brother. Come on. As a 59-year-old man, a 22-year  
18 sentence -- you never come out. You come out in a  
19 box; right?

20 A. More or less, yes.

21 Q. In May of 2016, after you had already  
22 decided to cooperate, you were charged in a federal  
23 drug conspiracy; right?

24 A. Yes.

25 Q. And in that federal drug conspiracy, it



1 alleges -- or the criminal complaint alleging that  
2 you conspired to distribute Suboxone, it tells how  
3 much Suboxone that you were taking in; and you were  
4 distributing at MDC, at Central, and at Southern;  
5 correct?

6 A. That's what I explained.

7 Q. That's what you told them?

8 A. Yes.

9 Q. And the day after you told them that, they  
10 filed the criminal complaint charging you with these  
11 crimes; right?

12 A. Yes.

13 Q. And you were doing -- you were bringing in  
14 a lot of Suboxone over a long period of time. This  
15 criminal complaint alleges that it occurred over a  
16 three-year period; right?

17 A. Right.

18 Q. And when you talk about 22 to 30 years, is  
19 that the amount of time that you would be looking at  
20 because of this drug charge?

21 A. No. The drug charge wouldn't have carried  
22 that.

23 Q. But it would have been a mandatory  
24 10-year, at least; correct?

25 A. With my background, my criminal history,

1 it would have been at least 10, yeah.

2 Q. So it would have been fairly substantial.

3 So after this criminal complaint was  
4 filed, you had to go see a judge; correct?

5 A. Yes.

6 Q. Federal court? You saw Judge Molzen?

7 A. Yes.

8 Q. And Agent Acee went to court with you,  
9 didn't he?

10 A. Yes, he went to court with me.

11 Q. And he asked the judge to release you to  
12 his custody, to the custody of the FBI office;  
13 correct?

14 A. No, he --

15 Q. The supervision of the FBI.

16 A. Well, I was on supervision of my parole  
17 officer. I was on probation, parole. I mean, I was  
18 on parole -- not parole. I had to see a parole  
19 officer.

20 Q. Okay.

21 A. It wasn't to --

22 Q. State parole?

23 A. Yes.

24 Q. This complaint eventually got dismissed;  
25 right?

1 A. Yes.

2 Q. And you're not going to be facing any  
3 charges as a result of this?

4 A. No.

5 Q. And you're not facing any charges as a  
6 result of the RICO or the VICAR cases either, are  
7 you?

8 A. No.

9 Q. Well, Julian, I don't think I have any  
10 more questions for you. Thank you for coming down.  
11 I wish we could have got you on and off the stand  
12 yesterday. I saw you sitting out on the patio  
13 yesterday. But we appreciate you coming down to  
14 testify. Thank you.

15 THE COURT: Thank you, Mr. Cooper.

16 Any other defendant have cross-examination  
17 of Mr. Romero? Mr. Sindel?

18 MR. SINDEL: I do, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. SINDEL:

21 Q. Hello, Mr. Romero. My name is Richard  
22 Sindel. I represent Mr. Gallegos. I am not from  
23 either New Mexico or any of the surrounding states.  
24 I come from Missouri, so there may be some things I  
25 ask you about because I'm unfamiliar. So bear with

1 me.

2 A. Sure.

3 Q. Okay. And you were being asked some  
4 questions by Mr. Cooper concerning parole, and you  
5 report to your parole officer; correct?

6 A. I report to them.

7 Q. You should probably lean a little closer.

8 A. I was under his supervision, the parole,  
9 the parole officer.

10 Q. You were under his supervision before you  
11 got charged in the federal case, weren't you?

12 A. What do you mean, before I got charged in  
13 the federal?

14 Q. Well, your parole is a result -- or is  
15 your parole the result of a state sentence you had  
16 received?

17 A. I don't know. I don't understand what  
18 you're talking about.

19 Q. Were you on parole when you first met with  
20 Mr. Acee? Or with any of the FBI agents, were  
21 you --

22 A. No, I was finally.

23 Q. So your parole was over with?

24 A. Yes.

25 Q. Okay. Because that's the thing. When we

1 have a parole officer, in Missouri, at least, it  
2 means that you're sort of finishing up your  
3 sentence.

4 A. But those charges were pending on me.

5 Q. The Suboxone charges?

6 A. Yes, that charge was pending on me.

7 Q. And you had opportunities to meet with  
8 Agent Acee and a woman named Agent Stemo. Do you  
9 recall that?

10 A. Yes.

11 Q. And then they would ask you a number of  
12 questions about your background, what you do, and  
13 they would specifically ask you questions about the  
14 people that are here in court that you've identified  
15 today?

16 A. In the beginning it was -- I said I want  
17 to tell the truth, my truth, and the truth about the  
18 SNM. That's what the agreement was, to tell the  
19 truth about the SNM.

20 Q. I understand. But they asked you  
21 questions about some of the people that are in the  
22 courtroom today?

23 A. Well, yeah, they asked me questions.

24 Q. And I noticed that throughout your  
25 examination, you never were requested to identify

1 Joe Gallegos, my client.

2 A. No, no, I wasn't.

3 Q. And because -- and you didn't say anything  
4 during your testimony or during any of the  
5 interviews concerning my client, Mr. Joe Gallegos;  
6 is that right?

7 A. All I said is, I don't know him that good,  
8 you know. We just met, like, on the tier. He'd  
9 tell me, "Hey, Julian." That's it. I didn't really  
10 know him personally or nothing.

11 Q. Because you had said, I think, you and  
12 Billy had sat down at times, had kind of  
13 heart-to-heart talks about lots of stuff; correct?

14 A. Um-hum.

15 Q. And you have to use a verbal response.

16 A. Oh, yes.

17 Q. That's okay. But you never had something,  
18 a heart-to-heart or a sit-down with Joe Gallegos;  
19 correct?

20 A. I don't recall ever talking to Joe  
21 Gallegos just other than, "How you doing" and  
22 yelling at me from the top tier in the North  
23 facility. That's how I got to know Joe.

24 Q. So you never recruited Joe Gallegos into  
25 the SNM, did you?

1 A. I personally did not.

2 Q. And was he ever on the tabla?

3 A. I never heard that he was on the tabla,  
4 but he could have been. I didn't --

5 Q. From all your information, you don't know  
6 or don't think he ever was?

7 A. I don't think he was.

8 Q. Was he ever considered the jefe?

9 A. Not that I can recall.

10 Q. Or a shot-caller?

11 A. No, not that I can recall.

12 Q. Or a leader in any way that you're aware  
13 of?

14 A. Like I said, I was not -- I didn't know  
15 him personally. We never talked, and nobody ever  
16 talked to me about him or anything, you know.

17 Q. And I think at least at one point in time  
18 you said, you know, that if you were ordered to  
19 participate in a hit and you didn't do it, you would  
20 get hit?

21 A. That was usually the bylaw, you know.

22 Q. So in other words, if an order came down  
23 that you were to participate in an assault or a  
24 murder and you didn't do that, you would be  
25 green-lighted and subject to being hit or assaulted

1 or murdered?

2 A. It's happened already.

3 Q. Is that the bylaw or the rule or the  
4 reglas?

5 A. Of course.

6 Q. I was trying to add things up, and I'm not  
7 very good at math. But I think you really got  
8 involved in the adult criminal system sometime when  
9 you were around 18 years old?

10 A. Yes.

11 Q. And that's approximately 41 years ago?

12 A. Approximately 41 years ago, yes.

13 Q. And would you say that you've been  
14 incarcerated maybe 32, 33 of those 41 years?

15 A. More or less, yeah, I'd say that, yeah.  
16 I'm not too good at math, either.

17 Q. A lot?

18 A. Yeah, it's been a lot.

19 Q. On March 28, you were interviewed by Agent  
20 Stemo. That's the young woman with dark hair. Do  
21 you remember that?

22 A. Yes, I remember that.

23 Q. That was a rather lengthy interview,  
24 wasn't it?

25 A. March 28 of what year?



1 Q. Of 2016? And I may be wrong on that. I  
2 wrote a note, but -- I think it was actually March  
3 28 of this year.

4 A. I don't even remember if it was a lengthy  
5 conversation. But I remember meeting with her.

6 Q. How many times, do you think, your best  
7 estimate, have you met with members of the law  
8 enforcement team and the prosecution team? You have  
9 met with the attorneys; is that right?

10 A. The attorneys --

11 Q. The prosecution, sitting here at this  
12 table?

13 A. Yes.

14 Q. When was the last time you met with them?

15 A. Just when we went over the case, and that  
16 I was going to be testifying. It's been a while,  
17 you know, but --

18 Q. How long is "a while"?

19 A. It's been --

20 Q. A couple weeks?

21 A. Well, they're my caregivers and stuff.  
22 But we don't talk about the case or anything like  
23 that. They're not leading me on or anything. I'm  
24 telling the truth.

25 Q. I'm just asking you when.

1           A.     I'm just trying to make sure that the jury  
2     and the people understand that I'm doing this for  
3     my -- you know, and --

4           Q.     I understand. Just bear with me. Okay?  
5     All right. Right now I'm just asking you about when  
6     you met with the members of the prosecution -- or  
7     with the members of the prosecution.

8           A.     That's a question that's, like, you know,  
9     because they're my -- they have to bring me over  
10    here and get my -- you know, whatever I have to do  
11    and stuff.

12          Q.     If you can't tell me when --

13          A.     "Met" is something, and "talking about the  
14    case" is something else.

15          Q.     I'm asking just meeting with them.

16          A.     Okay. Yeah, they brought me in.

17          Q.     You met with them yesterday or sometime  
18    this week; right?

19          A.     "Hello, good morning." That's about it.

20          Q.     So I'm asking, when was it you actually  
21    remember having a sit-down with them and talking to  
22    them about the case?

23          A.     The district attorney was about three  
24    weeks ago, when we talked about this case.

25          Q.     And do you recall also sitting down and

1 meeting with FBI Agent Stemo concerning what you  
2 knew, what you could testify to, things like that?

3 A. Like I said, I don't remember her that  
4 much. I don't know what the conversation was or  
5 anything. I'm having trouble even picturing her,  
6 you know. It doesn't resonate in my mind.

7 Q. When you met with her, did you at any time  
8 mention anything about my client, Joe Gallegos?

9 A. Like I said before, I don't know Joe  
10 Gallegos personally. So I never talked about Joe or  
11 nothing.

12 Q. Now there were, I think, some questions  
13 that Mr. Cooper asked you about RICO, racketeering,  
14 and what we call VICAR counts; is that right?

15 A. VICAR? What's VICAR?

16 Q. Violent Acts in Aid of Racketeering.

17 A. Yes.

18 Q. Do you remember those meetings?

19 A. I remember meetings.

20 Q. I think you had said -- obviously, you  
21 were concerned, because you know that the federal  
22 system is significantly different than the state  
23 system in terms of punishment?

24 A. Yes, I know that.

25 Q. And you know that the federal system

1 doesn't have any parole in terms of whatever  
2 sentences you get; is that right?

3 A. You're saying that the federal system  
4 doesn't have any parole?

5 Q. It doesn't have any parole.

6 A. I didn't know that. I didn't know.

7 Q. You don't know that?

8 A. No.

9 Q. Do you know whether or not, if you would  
10 get sentenced to life, that means in the federal  
11 system you never get out?

12 A. No, I never knew that.

13 Q. Obviously, that would be of great concern  
14 to you, if that was a possible sentence?

15 A. Yes, that would be of grave concern to  
16 anybody.

17 Q. And I believe you had testified, if I  
18 heard it correctly, that Agent Acee said, "We want  
19 to make everybody accountable for their actions."

20 A. How do I say this? You can't object  
21 because you're the one asking me the questions, so  
22 I'm going to say this again. I'm trying to explain  
23 it. Okay?

24 Q. Let's start again. Can you come here,  
25 stand here? I'll get over there.

1 A. It doesn't work that way. But I'm telling  
2 you --

3 Q. Let me just rephrase the question.

4 A. Please. I wish you would.

5 Q. Do you recall answering Mr. Cooper and  
6 saying that Agent Acee said, "We want to make  
7 everybody accountable for their actions"?

8 A. Um-hum.

9 Q. You said --

10 A. Maybe I said that, but I don't remember  
11 Acee saying them particular words. But I put that  
12 in there and I got to mean that, you know, he's on  
13 that side of the law, I'm on this side of the law.  
14 And of course, he has a job to do. So, yes, he  
15 wants to make everybody accountable for the victims  
16 of the crimes that the SNM committed. So, yeah,  
17 yes, sir.

18 Q. Okay. And in terms of the actions that  
19 you can attribute to Mr. Gallegos, there is nothing  
20 that you can add in terms of any actions that he may  
21 have had that you're aware of?

22 A. No, not that I'm aware of. I never talked  
23 about him.

24 Q. There were times in your direct  
25 testimony -- and that means the testimony by the

1 gentleman here with the bow tie, Mr. Beck -- you had  
2 said that everyone in the pod was affiliated or  
3 connected in some way to the SNM; is that right?

4 A. It was segregated that way.

5 Q. That was the prison's position. They're  
6 going to put all the SNM in one group; right?

7 A. All the --

8 Q. At least as you understood it?

9 A. That's how I understood it, yes.

10 Q. And so that whoever you knew, whoever you  
11 met, whoever you talked to, would have been put  
12 there by the prison because someone has decided or  
13 suggested they might be connected with the SNM?

14 A. It could have even been themselves saying  
15 that they were a member of the SNM. They call it,  
16 like, you know, through -- you get a point system,  
17 and if you get that point system -- like pictures  
18 with SNM members, letters, writing -- and we've all  
19 done it. I've done it, too. They'll -- you're  
20 considered an SNM member if you got the tattoo or  
21 stuff.

22 Q. You have the SNM tattoo; right?

23 A. I've got the Nuevo Mexico on me. I never  
24 put the SNM tattoo on me. But it's known that I'm  
25 an SNM member, and I've admitted to it.

1 Q. Okay. So I mean, obviously, when you  
2 admit to being an SNM member, that kind of closes  
3 the door, wouldn't you say?

4 A. Yes, it closed the door tightly.

5 Q. And in terms of -- there are a number of  
6 people who are members of the SNM, and they would  
7 wear their tattoos sort of as a badge to show other  
8 people that they were members of the SNM?

9 A. Yes.

10 Q. It would be a way to sort of express  
11 yourself that "I'm a member of the SNM and here's a  
12 tattoo," a little like a bumper sticker?

13 A. Right. But like I said before, Juan Baca  
14 said you don't have to put it on, it's up to you.  
15 But everybody puts it on to represent the SNM, you  
16 know, and stand up for it, and I just never wanted  
17 to put it on there. Everybody knew I was SNM.  
18 Yeah, if you want to put it on, go for it.

19 Q. And you had talked briefly about the  
20 system that's used within the institution to try and  
21 validate or inform the institution as to whether or  
22 not someone is or is not an SNM member. Do you  
23 remember that, just a few minutes ago, a few seconds  
24 ago?

25 A. Excuse me. Rephrase that again?

1 Q. Sure. Did the prison system, the New  
2 Mexico Department of Corrections, have a system for  
3 trying to validate who was a member of the SNM?

4 A. Yes, that's how it came down. They  
5 validated on the point system.

6 Q. And one of the things that you said is  
7 that they might look at letters; right?

8 A. Yeah, if you put down on the bottom I'm  
9 onda and carnal and SNM, stuff like that, which  
10 we've all done, and that will validate you quick.

11 Q. And also they could validate you, I think  
12 you said, based on photos that were taken of other  
13 SNM members?

14 A. That's one of the points.

15 Q. Now, if you're living in a pod with other  
16 inmates, are there days or a certain period of time  
17 when they allow you to take photographs of you and  
18 the people you're living with?

19 A. I don't see it anymore, but a long time  
20 ago -- and that's back in the day, when it was  
21 general population -- we could go out, we'd have  
22 group pictures of people together.

23 Q. And the group pictures would oftentimes be  
24 all the people that were living in the pod at the  
25 time that the camera was made available?



1 A. Well, we went out to the yard some of the  
2 times and there was -- you know, yeah, you know.

3 Q. And then, you know, if you wanted to send  
4 that to friends or family and say, "These are the  
5 guys I'm living with," you could do that?

6 A. Yes, you could do that.

7 Q. And those would be the guys you were  
8 living with, the guys in the pod?

9 A. Yes.

10 Q. You know, I listened to your testimony  
11 carefully, and part of the difficulties from where I  
12 am, back there, is I can't see you. I can only hear  
13 you, but I heard some things in your voice, some  
14 inflection, and I imagine you've had many hard days  
15 in your life.

16 A. Miserable days, yes.

17 Q. And I imagine that this is a hard day as  
18 well.

19 A. It's pretty hard. It's a day that -- I  
20 wish I could just not even be here. Yeah, it's a  
21 hard day.

22 MR. SINDEL: Thank you, sir. I appreciate  
23 it.

24 THE COURT: Thank you, Mr. Sindel.

25 Any other defendant have cross-examination

1 of Mr. Romero?

2 All right. Not seeing any, Mr. Beck, do  
3 you have redirect of Mr. Romero?

4 MR. BECK: Yes, briefly, Your Honor.  
5 Thank you.

6 THE COURT: Mr. Beck.

7 REDIRECT EXAMINATION

8 BY MR. BECK:

9 Q. Mr. Romero, I think Mr. Cooper asked you  
10 about an interview with the task force officer in  
11 2005. Do you remember that?

12 A. Yes, he asked me about that, yeah.

13 Q. And you told the task force officer --  
14 well, the task force officer was asking you to  
15 cooperate with law enforcement like you're doing  
16 today; right?

17 A. Yes, he says, "It looks like you guys are  
18 coming down this path, the SNM, and it's going to  
19 be -- it looks like you guys are going to be getting  
20 the RICO Act."

21 Q. And you told him that you weren't going to  
22 cooperate. I think you told Mr. Cooper, "I'm going  
23 down with this. I have to." Is that what you told  
24 him?

25 A. I said I have to, yeah. I more or less

1 said that I'm going to go down with this, you know.  
2 I was more or less trying to establish that, you  
3 know, I made my bed and I have to go down with it,  
4 regardless if I didn't want to associate with some  
5 of the members, and stuff like that. You know, I  
6 still had some pretty good, solid people that I  
7 cared for in the SNM, and some that I wish I never  
8 met, but, yeah.

9 Q. So this was after you'd been shot by  
10 Frederico Munoz in 2003; right?

11 A. Yes.

12 Q. Was it also after, now, Gerald Archuleta,  
13 or Styx, started putting out green lights and hits  
14 on you and those who supported you?

15 A. Yes, it was after that, too.

16 Q. Did you still, though, at that point, view  
17 yourself as an SNM member, and back up the other  
18 brothers who you said you were still close with?

19 A. Well, you know, they stood up for me, so  
20 how could I not stand up for them? But there came a  
21 time when, you know, I got hit and stuff, and I was,  
22 like, you know what? And everybody was -- when I  
23 went in the yard with them, that's over with, you  
24 know. You're right, and everything. And then I get  
25 hit. And that's when I really said, You know what?

1 This is over with, man. You can't even trust the  
2 person you're talking to, you know. There is no  
3 truthfulness in talking to anybody anymore.

4 Q. Sure. Let me ask you about that. So  
5 talking about being hit, was that July 2015 when you  
6 were assaulted by Conrad?

7 A. That was what made me decide, you know  
8 what, I better tell my story and let everybody hear  
9 it. And whatever they want to deal with me on it,  
10 so be it, you know.

11 Q. And I think you said that before that  
12 time. Well, so that was 2015. But up until that  
13 time, in 2015, did you still view yourself as a  
14 member of the SNM?

15 A. Like I said before, even though right now  
16 I'm telling my story about the SNM and everything,  
17 I'm going to -- and the day I die, I'm going to be  
18 an SNM member, even if I'm a greenlighted SNM  
19 member. I'm going to die an SNM member, because  
20 nobody is ever going to say Julian Romero is not an  
21 SNM member. They might say, well, at the end he was  
22 not associating with anybody anymore in the SNM. I  
23 think a lot of so-called brothers, you know, feel  
24 the same way, that they can't even trust nobody  
25 anymore, you know, and it's going that way.

1 Q. Well, and I think you said with Mr. Cooper  
2 that even after the Archuleta division, when you  
3 were on the tier with other SNM members, they would  
4 still give you respect and support you as a carnal  
5 until maybe Gerald Archuleta came along; is that  
6 right?

7 A. They call it flipping the script, you  
8 know. When Styx would be there, they'd be all --  
9 excuse my language, but they'd be swinging from the  
10 cajones and stuff. When I'm there, and he's not  
11 there, they would -- so it was like, like I said,  
12 it's not truthfulness anymore. Everybody was just  
13 jumping fences and stuff. And I could see it. And  
14 everybody could see it -- but everybody was just  
15 going with it because it's -- it was just us, you  
16 know what I mean? We're a product of the  
17 environment, and we just went down with it, you  
18 know.

19 Q. I guess my question is, Mr. Romero, before  
20 2015, when you were assaulted, even though there was  
21 division in the SNM, and you were sort of on the  
22 outs with the Archuleta group, if there was a war  
23 with the Los Carnales or the Aryan Brotherhood,  
24 would the SNM and you still have come together and  
25 supported your other SNM brothers at that point?

1           A.     That's a good question right there. And  
2 if I was there, and there was a war, of course, I  
3 would step up, you know, and I would be on the SNM  
4 side, you know. I would have to be there or stay  
5 locked up in my cell. And I never was that kind of  
6 person to stay locked up in my cell, you know.

7           Q.     Mr. Cooper also asked you about  
8 Mr. Garcia, and you said that you two were close and  
9 had a lot of heart-to-heart discussions. Do you  
10 remember that?

11          A.     Yes, I remember that.

12          Q.     Did you and Mr. Garcia ever, in these  
13 talks or these conversations, talk about the 2001  
14 murders down here at Southern New Mexico  
15 Correctional Facility?

16          A.     No, we never talked about that. We don't  
17 gossip about things that are in the past or  
18 anything, and I don't want to know it, and he never  
19 asked me about anything, either, you know, because  
20 the less you know, the less you have to; because you  
21 don't have to come up here and hide about it. If  
22 he'd have told me something, then it would be hard  
23 to lie about it. But no, he never discussed that  
24 with me or never admitted to me that he did  
25 anything, had any part in it. That was never a

1 conversation with us.

2 Q. So you guys didn't talk about the work you  
3 put in for the SNM when you were talking together;  
4 is that fair to say?

5 MR. COOPER: Objection, leading.

6 A. Excuse me?

7 THE COURT: Overruled.

8 BY MR. BECK:

9 Q. Sorry. So my question was: You and  
10 Mr. Garcia didn't talk about the work that you put  
11 in for the SNM in your talks together?

12 A. No. Billy Garcia knew what I had done,  
13 you know, in the old time. In the new time, he  
14 didn't even ask me, "Hey, man, did you do this or  
15 did you do that?" Because I would look at him and,  
16 "Hey, Billy," you know, because we don't do that; we  
17 don't discuss anything like that. I don't want to  
18 hear that.

19 Q. Talking about discussing things like that,  
20 I think Mr. Sindel asked you if today has been a  
21 hard time. Mr. Cooper asked you about a green light  
22 by Gerald Archuleta. Does the SNM also put a hit or  
23 a green light on people who testify in court against  
24 the gang?

25 A. Of course.

1 Q. And if Mr. Archuleta testifies in this  
2 case, will he have any more role as a leader in the  
3 SNM, in your opinion?

4 A. In my opinion, no. But like I said, you  
5 know, it's up to every individual in the SNM to side  
6 with him or tell me, "I understand," or whatever,  
7 you know. But no, once you -- it's over with, you  
8 know.

9 Q. And so although it's up to each individual  
10 member of the SNM, is it allowed for SNM members to  
11 respect or get along with people who cooperate  
12 against the SNM?

13 A. No, it's not good to associate with them.  
14 You shouldn't.

15 MR. BECK: Nothing further, Your Honor.

16 THE COURT: Thank you, Mr. Beck.

17 All right. Mr. Romero, you may step down.

18 Is there any reason that Mr. Romero cannot  
19 be excused from the proceedings? Mr. Beck?

20 MR. BECK: No, Your Honor.

21 THE COURT: Does any defendant object to  
22 him being excused?

23 Not seeing or hearing any, Mr. Romero, you  
24 are excused from the proceedings. Thank you for  
25 your testimony.



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THE WITNESS: Thank you, Your Honor.

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com

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2 STATE OF NEW MEXICO

3

4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,  
6 Official Court Reporter for the State of New Mexico,  
7 do hereby certify that the foregoing pages  
8 constitute a true transcript of proceedings had  
9 before the said Court, held in the District of New  
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my  
12 hand on this 5th day of May, 2018.

13

14

15 \_\_\_\_\_  
16 Jennifer Bean, FAPR, RMR-RDR-CCR  
17 Certified Realtime Reporter  
18 United States Court Reporter  
19 NM Certified Court Reporter #94  
20 333 Lomas, Northwest  
21 Albuquerque, New Mexico 87102  
22 Phone: (505) 348-2283  
23 Fax: (505) 843-9492  
24 License expires: 12/31/18  
25

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492

**BEAN**  
**& ASSOCIATES, Inc.**  
PROFESSIONAL COURT  
REPORTING SERVICE

MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com